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ENVIRONMENTAL ASSESSMENT BOARD

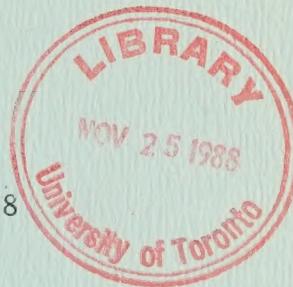
VOLUME: 56

DATE: Tuesday, November 8th, 1988

BEFORE: M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Tuesday, November 8th,
1988, commencing at 9:00 a.m.

VOLUME 56

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

(i)

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MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF ANGLERS & HUNTERS
MR. D. HUNTER	NISHNAWBE-ASKI NATION and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
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MR. R. LINDGREN)	
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APPEARANCES: (Cont'd)

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MR. P.D. McCUTCHEON	GEORGE NIXON

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APPEARANCES: (Cont'd)

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(iv)

I N D E X O F P R O C E E D I N G S

Witness:

<u>CAMERON CLARK,</u>	
<u>FRANK KENNEDY,</u>	
<u>JOHN McNICOL,</u>	
<u>JOSEPH BEECHEY,</u>	
<u>NEVILLE WARD,</u>	
<u>GORDON PYZER, Resumed</u>	9432
Cross-Examination by Mr. Cosman	9432
Cross-Examination by Ms. Swenarchuk	9436

(v)

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
350	Point Pelee Use Study.	9478
351	Article entitled: Moose and Woodland Caribou in West Patricia.	9493
352	Excerpt from Backgrounder to West Patricia Land Use Plan dated 1982.	9507
353	Excerpt from Article entitled: Trends in the Woodland Caribou Population in the Cliff Lake area by Chris Brousseau.	9519
354	Forest Site Quality Research in the Northcentral Region by Carmine, 1985.	9535
355	Excerpt of Thunder Bay District Land Use Guidelines.	9555
356	MOE Interrogatory Question No. 27.	9592
357	Mosquin Bio-Information Limited Question No. 7.	9592
358	Letter dated March, 1987 from Mr. Wringham to Mr. Huff.	9599

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1 ---Upon commencing at 9:05 a.m.

2 THE CHAIRMAN: Good morning, please be
3 seated.

4 Excuse me, ladies and gentlemen, I forgot
5 my hearing book in the Board's office, I will be right
6 back.

7 Mr. Cosman?

8 MR. COSMAN: Thank you, Mr. Chairman.

9 Most of my questions have been answered,
10 but I would like to put a question to Mr. Kennedy and
11 perhaps to Mr. McNicol. As well, any member of the
12 panel may answer it if they feel they can make a
13 contribution.

14 CAMERON CLARK,
15 FRANK KENNEDY,
16 JOHN McNICOL,
17 JOSEPH BEECHEY,
18 NEVILLE WARD,
19 GORDON PYZER, Resumed

20 CROSS-EXAMINATION BY MR. COSMAN:

21 Q. Mr. Kennedy, when tendering as an
22 exhibit the values map which was Exhibit 301, you made
23 the point that that values map may be updated
24 throughout the planning process.

25 Did I understand that to be correct?

26 MR. KENNEDY: A. Yes, that's correct.

27 Q. Now, since new information at a very

1 late stage in the planning process can be disruptive in
2 that they may interfere with allocations of timber or
3 road allocations, what is done to ensure that the
4 particular values that are to be protected are
5 identified as early as possible in that process?

6 A. The public consultation process
7 invites people to come and participate in the planning
8 process. The individual letters are sent out that Mr.
9 Pyzer had made reference to. That's one of the ways in
10 which people being are invited to come and participate
11 and provide new information and to verify what's in the
12 values map. As well, the information centre that's
13 held is also there to encourage people to come out and
14 contribute.

15 Q. Now, with respect to someone who
16 calls - we are talking about the way the different
17 values might be actually entered on the values map -
18 someone calls and says: I saw a particular bird or I
19 caught a particular fish.

20 Say, hypothetically, Mr. Campbell makes a
21 telephone call to your office. What do you do to
22 verify -- before you draw a circle on the map to, in
23 effect, freeze an area from cutting, what do you do to
24 verify that there is in fact a value to be protected,
25 other than just a call from a member of the public who

1 may or may not have the best of good faith in making
2 that call?

3 A. If it was a member of the public that
4 we hadn't been dealing with at all and had no idea of
5 the person's expertise or local experience, I think in
6 all cases we would be going out and verifying the
7 information that the individual would have brought to
8 our attention.

9 Q. How do you do that?

10 A. Verification would depend upon, say,
11 the concern or value or feature that the individual has
12 brought to our attention. It may be appropriate just
13 to consult some of the maps that we would have in the
14 office, just to verify that perhaps he had overlooked
15 something that is an existing piece of information that
16 we have awareness of.

17 I think in most cases we would tend to go
18 out in the field and do an on-site inspection of the
19 particular value or feature that was being made to
20 us -- brought to our attention. That would be
21 preferable, although there are other means of gathering
22 the information. Maybe simply an aerial fly-by and
23 look and see at what feature the individual may have
24 made us aware of.

25 Q. Would that be the case, Mr. McNicol,

1 with respect to, say, a call with respect to a sighting
2 of what someone believes to be an osprey or whatever;
3 is that how you would handle it?

4 MR. McNICOL: A. Yes, I would concur
5 with Mr. Kennedy. It would depend certainly on the
6 value that was identified.

7 If, for instance, we got an osprey
8 sighting or a bald eagle sighting in the area of the
9 operations or proposed area of operations, that is the
10 type of information that we need to help us narrow our
11 search for these very site-specific and potentially
12 impacted habitats. So that is information that we
13 collect as a matter of course over the years.

14 Prior to any logging ever occurring on a
15 particular area, it is just regularly collected
16 information. When it is determined that operations are
17 proposed in a particular area and, irrespective of how
18 imminent those operations are, we would act on
19 information received to try and nail down specific
20 habitat that potentially could be negatively impacted.

21 Q. If it were, for example, the case of
22 an alleged sighting of an eagle or an osprey, would you
23 require your field people to actually see the bird
24 itself before you drew a circle on the map, in effect,
25 sterilizing an area of the forest to be harvested?

1 A. Again, what we would be looking for
2 is the critical habitat and that would be the nest
3 site, a nest site and the area proximate to that nest
4 site and we would have to determine that value before
5 we would do anything in terms of a prescription to
6 modify any potential impacts.

7 Q. Thank you.

8 MR. COSMAN: Thank you very much, Mr.
9 Chairman. Those are my questions.

10 THE CHAIRMAN: Thank you, Mr. Cosman.

11 Ms. Swenarchuk?

12 MS. SWENARCHUK: My first questions this
13 morning are for Mr. Ward. Is this picking up?

14 And, as I informed the Chairman this
15 morning, some of the questions relate to the Manual of
16 Instructions for Aquatic Habitat Inventory Surveys
17 which we don't all have.

18 One copy only was filed in the reading
19 room, so I will attempt to compensate for this by
20 reading a little more into the record than I would
21 otherwise. This is Exhibit 302.

22 CROSS-EXAMINATION BY MS. SWENARCHUK:

23 Q. Mr. Ward, could we turn first to page
24 23 of the Aquatic Habitat Inventory Survey Manual.

25 MR. WARD: A. That's Chapter 4?

1 Q. That's right. And on this page we
2 have a listing of chemical tests to be performed as
3 part of the survey; is that correct?

4 A. That's correct.

5 Q. And there are 12 headings of tests to
6 be performed and I will read them: secchi disk --
7 that's how you pronounce; is it?

8 A. That's correct.

9 Q. Cloud cover, water surface, water
10 colour, air temperature, water temperature profile,
11 dissolved oxygen, pH, alkalinity, conductivity, cell
12 temperature and time.

13 Now, would you agree with me, Mr. Ward,
14 that strictly speaking only tests for PH, alkalinity
15 and conductivity are actually chemical tests?

16 A. I would say that dissolved oxygen
17 could probably be considered a chemical test as well.

18 Q. As well. So those four, then.

19 A. Mm-hmm.

20 Q. Now, would you agree that in many of
21 the studies of forestry practices on aquatic
22 eco-systems, it is repeatedly stated that forestry
23 operations accelerate the leaching of nutrients in soil
24 chemicals?

25 A. Would I agree with that statement?

1 Q. Yes.

2 A. It is possible, yes.

3 Q. And chemicals named include calcium,
4 magnesium, sodium, potassium, bicarbonate, chloride,
5 sulfate, nitrogen compounds, phosphate, organic acids
6 and trace metals?

7 A. Yes.

8 Q. Now, could you explain why these
9 chemicals are not measured routinely in your surveys?

10 A. Well, in terms of the inventory
11 program, there is a lot of -- like it is only a one
12 point in time survey of those water bodies and, in
13 those chemicals that you mentioned, there is a lot of
14 variability. And those chemicals, as you know, from
15 spring sampling to summer sampling, fall sampling and
16 there may be other factors like storm events that may
17 change that water chemistry, if you want to describe it
18 as such, from time to time.

19 So taking a one point in time on an
20 inventory program isn't really going to help us assess
21 the impacts of logging on water quality.

22 Q. But why would you measure the
23 chemicals that you have listed in the table but not any
24 of these; doesn't the one point in time argument apply
25 as well to the others?

1 A. In some cases. If you were looking
2 at perturbations that might affect these things,
3 certainly, but in terms of fish management, there
4 are -- these values that we are collecting, like,
5 dissolved oxygen will help to tell us where fish
6 species are located in the water column and help us
7 with our sampling program where we set nets.

8 It also tells us whether the lake is a
9 stratified lake or non-stratified which can affect the
10 fish production that can come out of a lake.

11 Generally, in terms of PH and alkalinity,
12 it is sort of just a rough measure of what we have got
13 out there in terms of, you know, buffering capacity, I
14 guess. We don't really even use these tests to
15 determine whether those lakes are sensitive to acid
16 rain, for example.

17 We have done -- in addition to inventory
18 programs, we have sampled - I don't know how many, it
19 must be about 2000 lakes in the province - with the
20 Ministry of Environment in terms of measuring their PH
21 and their alkalinity.

22 Q. So your focus then is simply on
23 identifying factors that would identify fish habitat as
24 opposed to --

25 A. Well, fish habitat and fish

1 production,

2 Q. Okay.

3 A. Because I was just going to get to
4 the measure on conductivity which we use to measure the
5 total dissolved solids in a lake which gives us -- we
6 use it as a formula, it is called a morpho-edaphic
7 index and we have to use the total dissolved solids as
8 part of the parameter in that equation in what we use
9 to determine fish production, the yield of the fish
10 that comes from a water body.

11 Q. So would those reasons apply equally
12 to the fact that you do not test for the presence of
13 herbicides or insecticides in the water?

14 A. That's right, yes.

15 Q. So the focus -- first of all, you
16 would agree then that you are getting a quite limited
17 picture of the chemistry of the water?

18 A. Yes, I would.

19 Q. And the focus purely is on fish as
20 opposed to the water ecology as a whole?

21 A. In terms of the water chemistry
22 information we collect, it is related to the fish
23 management, yes.

24 Q. Only. Okay. Now, could we turn to
25 page 40 of the Manual, please. This is Chapter 5

1 entitled: Sampling Inhabiting Fish Species.

2 Now, would you agree with me that
3 sampling does not include many other species such as
4 algae, plankton, crustations, rotifers, insect larvae,
5 snails, mussels, amphibians or water birds?

6 A. Yes.

7 Q. You are only sampling for fish
8 species?

9 A. In terms of the lake survey program,
10 yes.

11 Q. So once again, the survey is not a
12 survey of aquatic habitat overall, but of fish habitat
13 only?

14 A. Right.

15 Q. Now, if we could turn to page 43, and
16 we read on this page at the very bottom that:

17 "Fish sampling by controlled use of
18 piscicide in areas difficult to sample by
19 use of other gear is always a rewarding
20 effort."

21 And it goes on to say that you will apply
22 Rotenone which, I take is, is a pesticide which kills
23 fish; is that right?

24 A. That's correct.

25 Q. Now, if we turn to page 50 of the

1 manual?

2 A. Yes.

3 Q. At the middle page we see the
4 sentence:

5 "Trial and error will probably dictate
6 the best concentration to use as Rotenone
7 seems to weaken with age."

8 A. That's correct.

9 Q. Would you agree with me that species
10 diversity is as important as species density?

11 A. Yes.

12 Q. And that Rotenone can kill species
13 other than the target species, including rare and
14 endangered ones?

15 A. Yes, it could kill.

16 Q. So are we to understand then, given
17 the willingness of the Ministry to apply pesticides to
18 water, that the emphasis here is on establishing sport
19 fish density rather than protecting all species
20 diversity?

21 A. No, I wouldn't agree with that. To
22 start with, at present we can't use Rotenone for small
23 fish collections in the Province of Ontario.

24 We are only restricted to using Rotenone
25 for lake reclamation and that is only four lakes a year

1 that we can use that, and that is basically for fish
2 cultural purposes, where we are doing lake reclamation
3 to stock a lake with walleyed fingerlings or walleye
4 fry to produce fingerlings. In terms of --

5 Q. Is that limitation stated in the
6 manual?

7 A. No, it is not in the manual.

8 Q. Do your crews then -- are they made
9 aware of that limitation?

10 A. Yes, right.

11 Q. What's the purpose of having this
12 section in the manual?

13 A. Because we are in the process of
14 trying to get Rotenone used as a fish collection for
15 small fish collections, not only for inventory program,
16 but also for investigations under the Fisheries Act, we
17 have to prove that an area is utilized by fish, fish
18 habitat and, in some cases, it is very difficult to
19 collect fish with nets.

20 For example, sculpins that might be
21 inside rocks, it is hard to collect them.

22 Q. So if I can just be clear.. You have
23 included the section in the manual although at this
24 point you do not have the power to use Rotenone?

25 A. We have used it in the past. It is

1 just in the last two or three years that we haven't
2 been able to use it and it is partly because of the
3 problem with -- like, Rotenone has been investigated as
4 the effects on aquatic and mammals and everything like
5 that.

6 In the United States, I think the
7 Environmental Protection Agency has gone through fairly
8 extensive testing in the last few years and it all came
9 from a result of a lab in Chicago or something that was
10 testing a lot of chemicals for use in the United States
11 and they were found to have cooked up some of their
12 results.

13 Q. IBT?

14 A. Pardon?

15 Q. IBT?

16 A. I am not too sure what it is, but
17 Rotenone was included. This lab was also responsible
18 for testing Rotenone.

19 So they immediately said: we stop using
20 Rotenone and we go through all the testing. And
21 Ontario wants to buy into the results, I guess.

22 I know that we are talking about trying
23 to get \$50,000 so we don't have to repeat all the
24 experiments that were done in the United States to test
25 the effects of Rotenone on the aquatic environment and

1 you know, the terrestrial environment and I am not too
2 sure where that stands right now.

3 Q. Can I ask you why the Ministry would
4 produce a manual this year that includes use of a
5 pesticide that is in fact not a permitted use?

6 A. I think this manual is an '87 draft
7 and I think, in terms of the process of having it
8 approved, like, it could be approved by the Ministry of
9 the Environment in six months or --

10 Q. Or it could never be approved?

11 A. Or it could never be approved, right.

12 THE CHAIRMAN: How do you spell the name
13 of that chemical?

14 MS. SWENARCHUK: R-o-t-e-n-o-n-e.

15 MR. WARD: I guess, to get back to your
16 question about if we could use Rotenone, whether it
17 would be killing endangered species in the lake, I
18 would be very surprised if the endangered species in a
19 lake were as concentrated in one small area that we
20 would Rotenone.

21 We don't Rotenone the whole lake to
22 collect the fish out of it. It is normally maybe two
23 or three square metres that we would sample of a
24 certain habitat. Again, the intent is to collect sort
25 of one of each species, we are not looking at

1 quantities.

2 MS. SWENARCHUK: Q. By definition,
3 endangered species do not exist in great numbers, so
4 there is a possibility of affecting them?

5 MR. WARD: A. There is a possibility, I
6 guess, but I think it would be very remote.

7 Q. Would you agree that most of the
8 pollutants in the environment about which we are
9 concerned are not visible to the eye, exceptions being
10 in the case of aquatics, utrification and oil spills?

11 A. No, I would also include sediments as
12 something that would be visible to the eye and that I
13 am concerned with as well.

14 Q. Okay.

15 A. But generally, probably most
16 pollutants you can't see, right.

17 Q. So would you agree also that the best
18 way to determine if an area is polluted, an aquatic
19 area, would be to collect samples of water sediment and
20 biota?

21 A. Yes.

22 Q. So can we turn to page 61 of the
23 manual.

24 A. Chapter 7?

25 Q. That's right, Chapter 7, The

1 Shoreline Cruise. Sorry -- and then the chapter
2 heading is there. Then turn to page page 65, please.

3 A. Mm-hmm.

4 Q. At the top of the page, paragraph
5 7.10 headed Pollution, we see this sentence--

6 A. Yes.

7 Q. "Pollution should be checked for and
8 noted any visible signs of contamination
9 and possible sources should be noted.

10 Examples could range from litter to
11 algae blooms caused by sewage."

12 A. Right.

13 Q. Now, so in your surveys then you are
14 checking for only visible pollution?

15 A. Yes.

16 Q. And would you agree then that it
17 would not disclose many forms of pollution possible in
18 aquatic environments?

19 A. True, yes.

20 Q. Including, for example, the mercury
21 pollution in the English/Wabigoon River system?

22 A. That's correct.

23 Q. So overall the surveys, would you
24 agree, are assessing only the fisheries potential and
25 they don't constitute a study of the aquatic or ecology

1 overall?

2 A. Yes.

3 Q. Now, I believe an interrogatory has
4 already been filed, I believe it was from the Ontario
5 Federation of Anglers & Hunters. In reply the Ministry
6 stated that lake surveys are not done before and after
7 logging operations?

8 A. That's correct.

9 Q. So could you tell us what data is
10 collected by MNR at the district level regarding the
11 environmental impacts of timber management activities
12 on fisheries?

13 A. I guess in terms of data beforehand,
14 there aren't many cases we collect data beforehand.
15 There are some, I guess, exceptions in terms of --
16 there may be exceptions in terms -- I know in Red Lake
17 when we were looking at a smaller lake that was going
18 to have a majority of its shoreline cut, we went in and
19 did some winter oxygen testing to see if there was
20 any -- what the winter oxygen levels were because one
21 the concerns I have with logging smaller lakes and
22 certainly an extensive part of the shoreline - that's
23 before we had sort of controls on the percentage that
24 we can cut - I figured that if you put a lot of organic
25 material into a lake you are going to add to the

1 biological oxygen general demand and you could cause a
2 winter kill situation.

3 In other words, if you have a lot of
4 organic material decomposing during the winter using up
5 the oxygen combined with fish respiration, you could
6 drop the oxygen levels to a low enough level that you
7 would end up having fish kills which we call winter
8 kills.

9 So I know in that one situation I had
10 collected winter oxygen levels to see if they were
11 sufficient to allow for some organic material going in
12 and the decomposition of that but, generally, we don't
13 collect information.

14 Q. Okay. So there isn't a database -
15 since this panel was talking about databases - at the
16 district level regarding the environmental impacts on
17 the aquatic environment of timber management?

18 A. Yes, that's true.

19 Q. Now, is there any data or methodology
20 within the Ministry that you are aware of for assessing
21 the cumulative impact of timber management operations
22 on aquatic environments province-wide?

23 A. The cumulative impact?

24 Q. We spoke before of the district
25 level, now provincial level?

1 A. Whether anywhere in the province they
2 are evaluating the impact of logging on the aquatic
3 environment?

4 Q. We can deal with that question first,
5 but then the other question is: Is the Ministry
6 assessing these impacts province-wide?

7 A. No.

8 Q. Okay. Now, you mentioned in your
9 evidence that your conservation officers have
10 jurisdiction under the Federal Fisheries Act?

11 A. That's correct.

12 Q. Now, to your knowledge is there a
13 policy in place directing them regarding what
14 enforcement action they should take if a company
15 breaches the Fisheries Habitat Guidelines?

16 A. I don't know whether specifically
17 just for companies, but I think generally in terms
18 of -- I am not sure whether it is a policy. There are
19 some direction to field officers in terms of the steps
20 that are taken for charges laid under the Fisheries
21 Act. They have to get regional director's approval
22 before they do so.

23 As a regional fisheries specialist and
24 advisor to the regional director, I am usually brought
25 in on cases that a conservation would proceed with

1 under the Fisheries Act.

2 I often go and visit the site with the
3 conservation officer to see if we have enough evidence
4 there to say: Yes, there is habitat damage and in most
5 case I would be utilized as an expert witness.

6 I know recently the eastern region has
7 produced a manual for conservation officers of which we
8 have just sent copies to all our districts. There is a
9 fairly lengthy one listing the case law and the
10 techniques of collecting evidence for the Fisheries Act
11 habitat provisions, like, there are certain methods of
12 collecting information; how you document your case, how
13 you can collect evidence, take photographs and so on.

14 There is a manual for conservation
15 officers now that has been produced and I know our
16 region, all the officers have a copy of that.

17 Q. So that was going to be my next
18 question. That flows from the Fisheries Act
19 provisions?

20 A. Yes.

21 Q. Has any thought been given to what
22 kind of instructions for enforcement will be given to
23 your conservation officers with regard to company
24 breaches of the Aquatic Habitat Guidelines in the
25 future?

1 A. Yes, there have been.

2 Q. And could we have -- if it is
3 existing already, could we have it, please?

4 A. I don't know if it is existing. I
5 was going to say, in terms of the environmental
6 guidelines for access roads and water crossings, which
7 you will hear more about in Panel 14, there are some
8 conservation officers have taken the workshop that we
9 have given in terms of how you construct roads.

10 I give a lecture on, you know, the
11 fisheries concerns, how they can mitigate it. One of
12 the things that officers have to be aware of is that
13 there is no black and white. In a lot of activities
14 that occur, there is a lot of gray area, like some
15 things are beyond -- like man -- the company may have
16 the defense of due diligence in terms of constructing
17 something and if, you know, an Act of God or whatever,
18 you know, you get a one in a hundred-year storm flood
19 and things wash out, in effect, a spawning bed, then
20 the company isn't necessarily responsible for that if
21 they had followed all our conditions in terms of water
22 crossings.

23 Q. Okay.

24 MS. SWENARCHUK: Could I just ask Mr.
25 Freidin to produce, not necessarily multiple copies,

1 but to produce for examination one copy of the Manual
2 that he referred to earlier that has been produced
3 under the Fisheries Act.

4 MR. FREIDIN: Yes.

5 MR. WARD: That's for the eastern region.

MS. SWENARCHUK: For the eastern region.

7 Okay.

8 MR. FREIDIN: Yes.

17 In other words, does your branch get
18 involved in that aspect as well, assisting the Ministry
19 of the Environment in gathering evidence for charges
20 they may wish to lay under the provincial legislation?

1 it happens.

2 We train our officers in collecting
3 samples. I mean, it makes a difference whether you
4 collect samples in plastic bags, glass jars or
5 whatever. You have to have some idea of what the
6 chemicals are, because plastic can alter the lab
7 results. So we get them involved with it.

8 The Ministry of Environment has expanded
9 their enforcement arm recently, in actual fact we have
10 a conservation officer that was working for us in Sioux
11 Lookout has recently been hired by Ministry of
12 Environment for their enforcement officer in Kenora.

13 So he is very familiar with Ministry of
14 Natural Resources and I have actually worked with him
15 on some fish habitat investigations and he will be
16 enforcing the legislation that Ministry of Environment
17 has and, undoubtedly, if we are working together and he
18 has got some violations of his Acts that he's
19 enforcing, undoubtedly he will be laying charges under
20 that as well.

21 Q. Could I ask: During the development
22 of the Fish Habitat Guidelines, was there discussion --
23 you were involved in that development?

24 A. That's correct.

25 Q. Was there discussion about what kind

1 of enforcement strategies would be used on, shall we
2 say, with respect to recalcitrant companies companies?

3 A. I don't know whether I, in terms of
4 developing the guidelines, we had discussions on, in
5 terms of, you know, the punishment, the enforcement
6 aspects of it.

7 I think we certainly talked about
8 compliance monitoring to make sure that what was in the
9 guidelines and on the timber management -- in the
10 timber management plan was actually carried out in the
11 field and that is a role that conservation officers and
12 timber technicians take on in the district.

13 In terms of violating the Fish Habitat
14 Guidelines and the penalties, I think it is the Crown
15 Timber Act that we would use right now for trespass, if
16 you had a reserve in place and they cut the reserve,
17 that would be the piece of legislation.

18 Now, if they cut it down to the shoreline
19 of a lake and they had sediment in the water and it
20 affected a critical habitat, we would lay charges under
21 the Fisheries Act as well.

22 Q. Mm-hmm, okay. So, I take it then
23 that you perceive the guidelines being used largely in
24 the planning process and not in the compliance process?

25 A. Yes, that is probably true.

1 Q. Now, you expressed confidence during
2 your testimony in the capacity of these fishery
3 guidelines to protect the fishery quite substantially.
4 You would agree with me that the guidelines have only
5 be issued this year?

6 A. They have been issued, but I think in
7 the evidence we also indicated various drafts have been
8 outlined. The first draft came out 1981.

9 Q. And at that point they were draft
10 guidelines. We'll talk about draft guidelines later.
11 Are you satisfied that those guidelines, from '81 to
12 the present, have provided sufficient protection for
13 the aquatic habitat?

14 A. I think when they have been applied
15 they have provided sufficient protection, yes.

16 Q. And do I take it that you are not
17 satisfied with the degree to which they have been
18 applied?

19 A. That's correct.

20 Q. Now, what assurance can we have or
21 can the Board have that this draft will be applied more
22 comprehensively than the past ones?

23 A. Well, it is a final approved version
24 now and we have a policy that is in place and signed by
25 our Deputy Minister and now that is, you know,

1 directive I guess to the field that you are to use
2 these guidelines.

3 Before, as a draft there wasn't that
4 direction and there was, you know, as with any kind of
5 new legislation or directives that are coming out, you
6 know, there is sort of a teething process, you learn to
7 apply them: Does it apply in this situation, does it
8 apply in that situation, and so on.

9 Q. You would agree with me, though, that
10 the guidelines are new and we don't yet know the extent
11 to which they are going to make a difference in
12 fisheries protection?

13 A. I would agree with that, yes.

14 Q. Okay. Those are all my questions for
15 Mr. Ward.

16 Some questions for Mr. Pyzer. Now, you
17 referred briefly in passing in your testimony to the
18 Aulneau Crown Management Unit.

19 MR. PYZER: A. Correct.

20 Q. Now, does that CMU include the
21 Aulneau Peninsula?

22 A. Yes, it does.

23 Q. Which was at one time a candidate
24 wilderness park?

25 A. I don't know if it was ever a

1 candidate park, but it does include the Aulneau
2 Peninsula.

3 Q. So you don't have any
4 understanding -- knowledge of whether it was a
5 candidate wilderness park?

6 A. At one point -- I do have some
7 knowledge that at one point --

8 Q. I suggest to you that it was. Would
9 you agree with that?

10 A. Actually I believe at one point it
11 was even considered by the public as potential for a
12 national. But, yes, possibly.

13 Q. And would you agree that, speaking in
14 parks terminology now, the Lake of the Woods site
15 region does not have a wilderness park at this time?

16 A. I am sorry?

17 Q. The Lake of the Woods site region
18 does not include a wilderness park?

19 A. Tom would be better to answer that
20 question than I would.

21 MR. BEECHEY: A. Yes, that's correct.

22 Q. Now, Mr. Pyzer, you have spoken
23 various times of the very serious impacts on the local
24 economy of fires in the Kenora District.

25 Now, I am wondering what remedial action

1 the district attempts to take after a fire has
2 destroyed allocated timber? Would you look for new
3 allocations of timber for the company that lost
4 allocated forest?

5 MR. PYZER: A. It would depend on the
6 extent of the wood that was burned, how large of an
7 area of the upcoming five-year plan.

8 I believe there were some good examples
9 in Red Lake where we had a fire in Red Lake District
10 and it burned basically the entire five-year operating
11 plan area and I believe that necessitated the
12 production of a new plan -- contingency plan for a
13 period of a year, I believe it was. I stand to be
14 corrected on that.

15 And then the production of the new plan,
16 according to the manual - Frank actually can probably
17 talk better to the Red Lake example - but if the area
18 was all licensed and there were no other areas, I
19 believe - and, Frank, you can correct me here - but I
20 believe it would result in a reduction in the amount of
21 wood that was available to cut. We wouldn't go
22 looking -- we wouldn't overcut, if you will, and, if in
23 fact, that wood wasn't eligible to be cut just simply
24 because there had been a fire.

25 Q. Can I ask you, before we go to Mr.

1 Kennedy, in your experience has there been an example
2 when, subsequent to a fire--

3 A. Yes.

4 Q. --Kenora district, shall we say,
5 assisted a company in attaining a new allocation of
6 wood?

7 A. Not in my experience.

8 Q. Okay. Mr. Kennedy.

9 MR. KENNEDY: A. There are a number of
10 ways in which a forest manager may react after having a
11 fire. It would depend on the extent of the fire and
12 the portion of the area selected for the five-year term
13 that would have been burned would depend upon the
14 action taken.

15 In the new style timber management plans
16 there is a number of provisions to help plan for that
17 event which, of course, can't be predicted. The first
18 one is to provide a --

19 Q. Excuse me, Mr. Kennedy, before we go
20 on with the new planning process, my question is
21 historical. In your experience, following a fire, have
22 you had the experience of the local district looking
23 for a new allocation of wood for the companies
24 affected?

25 A. Historically, yes, I can recall an

1 occasion approximately five years ago where an area
2 that was included within the 20-year plan was moved
3 forward into the current operating plan in order to
4 offset an area that had been burned.

5 Q. So this would be in contrast then to
6 the discussion of last week regarding the trapper in
7 Mr. Nichol's area whose trapline was damaged by timber
8 operations and Mr. Pyzer then referred to traplines
9 being burnt thoroughly in the Kenora District.

10 You would agree with me then, Mr. Pyzer,
11 that there is at least one example we have heard today
12 from people present in this room of companies receiving
13 other allocations after fire damage?

14 MR. PYZER: A. I think the difference -
15 and, Frank, you again correct me if I'm wrong here -
16 but I think what Frank is saying is that if wood has
17 been allocated in the upcoming period, it is not as
18 though you are going out and finding wood that wasn't
19 already allocated to the company or eligible to be
20 harvested by the company.

21 What he is saying is you are not taking
22 it from Great Lakes and giving it to Boise, or you are
23 not taking it from one company to another, you are
24 taking it from the company limits and wood that is
25 eligible to be harvested and allowing them to harvest

1 their own wood.

2 Q. You do take steps to assure that they
3 have a continuing supply?

4 A. If that wood was there. That was the
5 point I was making. If the wood is not there there,
6 then the situation of the company is exactly the same
7 as the situation of the trapper.

8 Q. Agreed.

9 A. And in terms of relocating other
10 people that have been affected or impacted, you talk
11 about a trapper. I can think of occasions in terms of
12 the tourist industry as well when there has been an
13 impact, we have looked at ways of mitigating that
14 impact in terms of relocating to another lake or
15 whatever.

16 Q. So in terms of the Chairman's
17 question about hierarchies of values, you are saying
18 that you have extended assistance to tourist operators?

19 A. I am saying that any person, tourist
20 operator, trapper, commercial fisherman, if a person is
21 negatively impacted and we come to that agreement -- I
22 guess what I am saying is, if we don't place limits
23 upon it, if someone is negatively impacted, we will do
24 everything that we can.

25 If it was a trapper we would look at

1 finding if there are trapslines in some other district,
2 can he be relocated; we would do that with a tourist
3 operator, we would do it with a commercial fisherman.

4 I am saying that there are no bounds. If
5 one is impacted, whether that is a forest company, a
6 forest operator, we will do what we have to do to
7 minimize and mitigate that impact.

8 THE CHAIRMAN: Mr. Kennedy -- excuse me,
9 Mr. Kennedy, in that example you gave five years ago,
10 is what you were by saying that the company affected
11 had wood allocated over a 20-year plan, but during the
12 five-year period, when he was going to be harvesting a
13 certain block within five years that was lost to a fire
14 and MNR looked to the rest of his allocated wood within
15 the 20-year plan and allowed him to harvest some of
16 that earlier than otherwise would have been the case
17 had there not been a fire, is that what you are saying?

18 MR. KENNEDY: That's correct. Under the
19 old style plans there would have been a 20-year
20 allocation of wood for that company and there would
21 have been a five-year operating plan and the case I was
22 referring to was that the area that was within the five
23 year had been -- a portion of it had been burned and
24 subsequently there was a switch in the areas allocated,
25 so it was a matter of timing.

1 THE CHAIRMAN: So just acceleration of
2 the harvesting to which they would have otherwise been
3 entitled, but in a different five-year operating plan
4 segment?

5 MR. KENNEDY: Yes. And it was from that
6 experience that I was able to participate in
7 discussions that led to some of the new style planning
8 manual, how we would react to that situation in a
9 planned fashion as best we could.

10 MR. McNICOL: May I make a point before
11 we leave this?

12 MS. SWENARCHUK: Q. Certainly.

13 MR. McNICOL: A. You talked to my
14 evidence that I presented in terms of disturbance of
15 trapslines.

16 I think it is important that the parties
17 and the Board have the correct perception of trappers
18 in the area of the undertaking. By and large these
19 individuals do not depend on trapping solely as a means
20 of livelihood. I think Mr. Pyzer spoke to that
21 yesterday. We refer to many of our trappers as hobby
22 trappers. These are individuals that take part of
23 their income from trapping but they also have other --
24 another job or jobs.

25 So in terms of the economic impact to

1 that particular individual - and I am certainly not
2 saying this across the board for all trappers because
3 there are still some trappers that depend largely on
4 trapping for their livelihood - but the majority of
5 these individuals, if their trapline was completely
6 destroyed by fire, they do have other sources and, in
7 most cases, for income.

8 Q. And, in your view, that is a
9 sufficient rationale not to be concerned about the
10 destruction of the trapline and that source of their
11 income?

12 A. I think you have to keep things in
13 perspective. Your analogy was a company that is
14 employing hundreds, perhaps -- well, hundreds of men
15 upon whose livelihood the forest and the cutting in the
16 forest depends versus one individual who has, in many
17 cases, another source of income. So I think...

18 Q. What about the trapping individual
19 then who doesn't have other sources of income or what
20 about the native trapper for whom there is both income
21 considerations here and cultural considerations?

22 MR. PYZER: A. Then we would consider
23 them in terms of if they came forward and they
24 demonstrated that that impact was there - that was the
25 point I was trying to make - absolutely we would do

1 everything that we could to mitigate that.

2 If that meant lines were opened in Red
3 Lake District and applying and working through the NODC
4 or some of the resource programs that are available in
5 terms of flying people to new traplines, we would look
6 at those options and opportunities.

7 Q. Can you give us a specific example
8 where you have done that?

9 A. I cannot give you one example where a
10 trapper has come forward and said he has been
11 negatively impacted by a fire.

12 Q. Okay. Mr. Pyzer, I believe that with
13 regard to socio-economic data my question should be
14 directed to you; is that correct?

15 A. Possibly. I will try.

16 Q. Would you turn then in Volume 3 to
17 page 754, please.

18 A. Yes, I have that.

19 Q. And this page is headed: District
20 Database Socio-Economic Environment.

21 A. That's correct.

22 Q. So could we paraphrase that as saying
23 that this is socio-economic data available at the
24 district level.

25 A. This whole package, as I tried to

1 explain yesterday, is a compendium, if you will, or a
2 synopsis of the type of information that is generally
3 available in a district.

4 Q. Okay. And on this page we are
5 talking about Crown land recreationists as
6 stakeholders.

7 A. That's correct.

8 Q. Now, I would just like to go through
9 the list of some of the data that has been included on
10 this page.

11 For example, the first across from the
12 first bullet location of existing resident Crown land
13 recreation areas.

14 Now, would you agree with me that that is
15 really a description of an element of the resource
16 base?

17 A. I am saying that the database would
18 be a map that would show -- a map that would indicate,
19 as well as District Land Use Guidelines maps, all of
20 the maps that were included in District Land Use
21 Guidelines, Strategic Land Use Planning, any of the
22 maps that -- that's right, we have a number of maps
23 that show where residents hunt, fish, canoe, those
24 sorts of things.

25 Q. Okay. Well, that is interesting. So

1 the database first of all is a map?

2 A. Pardon me?

3 Q. The database is a map as opposed to--

4 A. Oh, it could be in many forms.

5 Q. --reports.

6 A. That's correct. In fact if you
7 notice at the end of that numbers 2, 3, 4, 5, 8 and if
8 you read the note at the very beginning of this
9 document, it indicates how to interpret that.

10 It means that for that particular
11 activity, if you will, the location of existing Crown
12 land recreation areas, you could find that from No. 2
13 on the right-hand side where you will see District
14 Fisheries Management Plans.

15 All of the background documentation on
16 Fisheries Management Plans, on the Fish and Wildlife
17 Fisheries Management Background Studies and Reports.

18 No. 4 the Crown land Camping Study -- No.
19 4 and 5 and No. 8 which are lake survey files and then
20 if you turn the page two over, actually to page 757,
21 you will again see a series of numbers there and if you
22 correspond those with numbers 2, 3, 4, 5, and 8 you
23 will see a number of the data sources, the numbers of
24 the maps, and sorts of things that we have.

25 Q. Okay. Getting back to the first

1 heading here, location of existing resident Crown land
2 recreation areas, would you agree with me that the
3 information that you are listing there is information
4 about the resource base itself?

5 A. Oh yes. Well, both the resource
6 base -- no, it is certainly about the resource base,
7 but it is also about the people who are undertaking
8 that resource. That is the distinction of my evidence
9 as opposed to, say, Mr. Ward or Mr. McNicol, I am
10 talking about -- I am trying to in this package, trying
11 to talk about the people who may hunt or may fish or
12 canoe or do all of these activities, cross-country
13 skiing.

14 Q. Well, if I could just clarify this.
15 How does the location of existing resident Crown land
16 recreation areas tell us anything about people using
17 the areas? Surely that is an identification of a
18 resource available on the land base; namely, recreation
19 areas.

20 A. Well, I guess is what I am saying is
21 that in this data package I am watching the people and
22 what they do as opposed - and I suppose what they are
23 doing tells -- leads indirectly to the fact that that
24 resource must be there.

25 Let me give you an example. In Kenora

1 District we talk about the Jones Road area. If you
2 talk to any staff in Kenora District they will talk
3 about the Jones Road area, 314 area.

4 People tend to concentrate there. 314 is
5 a heavily camped area, on weekends it draws a
6 tremendous number of people from Manitoba, from
7 Winnipeg, lots from Kenora, it's got a large proportion
8 of lake trout lakes, it has excellent canoeing
9 opportunities.

10 Well, the 314 road area in Kenora
11 District is a heavy Crown land recreation area. We
12 know people are camping there, we have lots of checks
13 in terms of our conservation officers. We come across
14 a number of contacts.

15 Q. Okay. Can we come back to page 754.

16 A. Mm-hmm.

17 Q. We see on this page titles of
18 information which the Ministry is identifying as
19 socio-economic data.

20 A. Yes.

21 Q. And I want to point out for you, or
22 to you and ask your comments that the location of
23 existing resident Crown land recreation areas, secondly
24 the location of potential resident Crown land
25 recreation areas, the location of access points,

1 further down the list, fish and wildlife use resource
2 requirements, location of private boat caches.

3 These are headings which are being
4 described as socio-economic data, but I merely wanted
5 to clarify with you that, in fact, those particular
6 headings don't tell us or suggest anything about the
7 users of the resource, but simply identify that these
8 resources are available on the land base.

9 A. What I am trying to say is that
10 the -- we have resource files that will tell you about
11 those activities: Where they're occurring, how many
12 people are doing that activity, in which particular
13 areas. We can pull out maps and maps and say: These
14 are where these kinds of activities are concentrated,
15 where people hunt or fish or cross-country ski or canoe
16 or camp.

17 I can show you maps in the district
18 generally where that occurs as a result of CO contacts,
19 as a result of the Crown Land Camping Program.

20 THE CHAIRMAN: Where does any of that
21 information go, beyond telling you where?

22 MR. PYZER: Beyond telling us where it
23 occurs?

24 THE CHAIRMAN: Yes.

25 MR. PYZER: That is certainly one of the

1 key things that it does tell us in terms of timber
2 management planning. If in fact we are proposing to
3 undertake road construction or harvesting or any forest
4 activity in an area where one of these things are
5 occurring, it is important to know that there are large
6 numbers of people out there cross-country skiing or
7 canoeing or camping in those areas.

8 MS. SWENARCHUK: Q. All right. You have
9 listed these types of information which I just read as
10 socio-economic data.

11 MR. PYZER: A. Yes.

12 Q. Would you agree with me that in fact
13 in those headings there is no information about the
14 users of those resources?

15 A. No. I guess I am having a difficult
16 time with the question. I guess what I am trying to
17 illustrate here is that there are databanks associated
18 with these, if you will, that if we need to - and then
19 I guess what I am trying to do is give you an
20 impression of the understanding we have about those
21 activities in the district.

22 So if you want more about, say, boat
23 caches, we can go to that boat cache file and I can
24 tell you where the boats are, who has them, who their
25 authorized to, whether they are private, commercial.

1 If you ask me about...

2 Q. All right. Let's get to that point
3 then.

4 A. Okay.

5 Q. Because that is not clear from your
6 listing.

7 A. Pardon me?

8 Q. That is not clear from your listing.
9 I mean this lists boat caches, it doesn't indicate that
10 there is anything in your data about the user of the
11 boat caches.

12 So let's go to that question. Can you
13 tell us in what detail your databases contain data
14 about the users of the resources that are listed here?

15 For example, recreationists.

16 A. Yes?

17 Q. What kind of data do you have about
18 non-hunting recreationists on Crown land, what kind of
19 activities do you know that they undertake, to what
20 extent. Do you have that information?

21 A. We have done things like Crown Land
22 Camping Surveys on page 758.

23 Q. All right.

24 A. As one example. And if you take a
25 look at that, it tells you there is a person that was

1 contacted in the field. It indicates the date that
2 that person was contacted; the location of the contact,
3 where he was on Crown land; where he is from; the type
4 of group that he's a member of, whether he is family, a
5 couple, a single, the number of camping units; whether
6 it is a hard top or tent, et cetera, et cetera.

7 And it comes down for the main reason of
8 the trip. It could be hunting, it could be camping,
9 could be fishing, canoeing, boating, could be bird
10 watching, could be anything. And in terms of those
11 categories that would be recorded. The length of stay
12 on Crown land.

13 So again we have information like that
14 right across our district that has been carried out for
15 several years. As a result of that, we know people are
16 camping as an example.

17 Q. So do you consider that you have a
18 comprehensive picture of not only where on the land
19 base people go camping, for example, but a detailed
20 picture of what type of population constitutes the
21 campers?

22 A. What type of population constitutes a
23 camper. I am not sure I understand that question.

24 Q. Age, gender, activities, group sizes,
25 length of stay, all those questions.

1 A. To the extent that we have carried
2 out those Crown land camping surveys and prepared the
3 reports afterwards, yes.

4 Q. Okay. To what extent have surveys
5 like that been carried out?

6 A. In our region, fairly extensively.

7 Q. All right. Let's try to be more
8 precise about this. You have Crown land campgrounds in
9 your district?

10 A. Oh sorry, you may be confusing this.
11 This is not parks, this is Crown land. This is outside
12 of the --

13 Q. So these are individuals who go on
14 the land on their own to camp?

15 A. That's correct. This is totally
16 separate to all of the park surveys.

17 Q. Yes, okay, that's fine. Would you
18 agree that it must be quite difficult to get a picture
19 of the camping population as a whole because it would
20 be very dispersed and transient?

21 A. It would be, but we did have a
22 program, a specific program that - and I can't recall
23 the dollars that were spent, but it was several
24 hundreds of thousand of dollars.

25 Q. And when was this?

1 A. It was at least a three to five-year
2 period. We developed in fact a Crown land camping
3 program as a pilot initiative in the northwest region.
4 I believe that is about five to eight years ago now.

5 And, as part of that, was a detailed
6 monitoring program to find out where in fact people
7 were going, what activities they were carrying out,
8 what conflicts there were with local residents, what
9 conflicts there were with the tourist industry, what
10 effects there might be to banning, if you will
11 non-residents of Canada from camping on Crown land and
12 taking them through the provincial park system.

13 Q. Okay. So you established --

14 A. Sorry. As part of that program, was
15 a detailed monitoring exercise and, as a result of
16 that, reports were prepared. I believe they were taken
17 to a number of user groups in the province and, as a
18 result of that initiative, my understanding now is that
19 it has been taken right across northern Ontario and it
20 is now northern Ontario-wide.

21 Q. Are you clear on that, there is an
22 initiative now underway then across all of northern
23 Ontario to--

24 A. That's correct.

25 Q. --to collect this kind of data?

1 A. The Crown Land Camping Program now
2 has been adopted northern Ontario-wide, that's correct.

3 And, in addition to that - and this is
4 some of the other data that is coming in now - is a
5 non-resident of Canada is required to purchase a Crown
6 land camping permit. So any non-resident coming into
7 the province now camping in an open area, because we
8 have also closed -- we have now zoned Crown land, so
9 that a non-resident of Canada cannot camp anywhere he
10 wants on Crown land, he is now -- if he wants to camp
11 extensively on his own, he has to do that in certain
12 areas.

13 And, in order to do it, he has to
14 purchase a permit and we have all of the data and
15 records associated with those permits now.

16 Q. That is a kind of access control
17 policy?

18 A. Pardon me?

19 Q. That is a control over the access of
20 non-residents to the land?

21 A. That's correct.

22 Q. One moment, please.

23 Just one last question, Mr. Pyzer. I
24 provided yesterday to Mr. Freidin the Point Pelee use
25 study and I will provide this to the Board.

1 I don't know what the exhibit number will
2 be (handed) .

3 THE CHAIRMAN: Exhibited 350.

4 ---EXHIBIT NO. 350: Point Pelee Use Study.

5 MS. SWENARCHUK: Q. Do you have a copy?

6 MR. PYZER: A. I do, yes.

7 MR. CLARK: Mr. Chairman, I have one or
8 two points that I think might be helpful in terms of
9 that last question. I don't know if it is appropriate
10 for me to...

11 THE CHAIRMAN: I do not know whether Ms.
12 Swenarchuk wants to pursue it any further.

13 MS. SWENARCHUK: No, I am satisfied.

14 Thank you.

15 MR. PYZER: I may have got you off topic
16 too and maybe, I shouldn't be doing this, but you asked
17 a question on the Aulneau and we seem to have left
18 that. If you have any questions on the Aulneau
19 Peninsula...

20 MS. SWENARCHUK: Q. No, I don't have any
21 further questions, thank you.

22 Now, I don't want to take the Board's
23 time to go through this article in detail. It is a --
24 would you agree with me, Mr. Pyzer, that it is a study
25 of a particularly -- of a quite particular resource

1 base; namely, Point Pelee National Park?

2 . MR. PYZER: A. Yes, mm-hmm.

3 Q. And I am not suggesting that the
4 population identified in this study would be duplicated
5 in many other park user profiles, but I do have some
6 questions for you about it.

7 A. Yes.

8 Q. The beginning of the article notes
9 that bird watching is probably the fastest wildlife
10 recreation activity in North America and then in great
11 detail, Dr. Butler has surveyed and established the
12 profile of the users involved in bird watching in Point
13 Pelee and he has done this through interviews,
14 observation and trail measurements.

15 And would you agree that in the result he
16 has a picture of bird watchers that includes their
17 gender, education, residential backgrounds,
18 occupations, great number of Ph.Ds here, group size,
19 citizenship, bird club membership, three different
20 types of profiles of photographers, hours spent
21 birding, length of stay, birding experience, visitors
22 to the visitor centre, et cetera.

23 This obviously is a study done in great
24 detail. Are you aware of any database locally that
25 would provide equivalent detail about recreation users

1 in your district?

2 A. Gee, obviously we have no resource
3 that is probably internationally significant as Point
4 Pelee, so to the extent that we don't have that, no, we
5 certainly wouldn't have anything to this detail.

6 But certainly in any one of our
7 provincial parks Rushing River Provincial Park, I can
8 give you much of these same sorts of data and
9 information.

10 Q. In this degree of detail?

11 A. Probably. Again, this -- we are
12 talking about a national park here that is of world
13 international significance and, unfortunately, I don't
14 have a park like Point Pelee in my district.

15 If I did, I am almost certain I can say,
16 yes, I would have this information. I have relative --
17 these sorts of things in any of our provincial parks in
18 terms of our park user surveys.

19 Q. Well, I recognize you have park user
20 surveys.

21 A. Pardon me?

22 Q. I recognize that you have park user
23 surveys, but I suggest to you that this article
24 provides an example of the kind of detail of park use
25 which could be very useful to resource planners in

1 developing programs -- recreation programs on the land
2 base.

3 And, to my knowledge, the Ministry does
4 not have this kind of detailed study of recreation
5 users.

6 THE CHAIRMAN: Ms. Swenarchuk, are you
7 suggesting that the Ministry should expend the
8 resources that I would suggest to you would be required
9 to get this amount of detail for an area which covers
10 possibly half the land mass of Ontario?

11 MS. SWENARCHUK: No, I am not, certainly.
12 That would be quite impractical, but selected surveys
13 in considerable detail - you will, of course, be
14 hearing more evidence about this later - in our view
15 would go a long way to assist the Ministry in
16 developing recreation programs that are not yet
17 developed and which, in our view, do not utilize the
18 land base to the extent and for the variety of
19 activities that recreationists, other than hunters
20 would prefer.

21 Q. Mr. Beechey, you wanted to say
22 something?

23 MR. BEECHEY: A. I am wondering, Mr.
24 Chairman, if I can make a few comments with respect to
25 park surveys and some of the kinds of information that

1 is captured from the perspective that we are inquiring
2 about here.

3 As Mr. Pyzer has referred, we do conduct
4 park surveys of users in provincial parks and through
5 those surveys we do gather some information on the
6 kinds of clientele that is of interest here; namely,
7 bird watchers.

8 From our perspective, that information is
9 primarily gathered from the point of view of trying to
10 get a handle on the number, the demography, the
11 character of these people and gather basic information
12 that helps us to better manage, if you will, the
13 specific parks that are of concern.

14 We have, in the park system, parks that
15 are of - I won't say equivalent stature - but certainly
16 provincially and extraprovincially significant from a
17 birding perspective. Areas like Long Point, areas like
18 Presqu'ile, areas like Rondeau and we do collect some
19 information on the user groups from -- or on birders to
20 assist us, if you will, in terms of managing those user
21 groups, such that we do not overly utilize the
22 resource.

23 Q. Okay, Mr. Clark.

24 MR. CLARK: A. Just a couple of points.
25 I think one point I would like to stress here is that

1 we are talking in general terms here and I think
2 earlier in my evidence I pointed out the fact that
3 there is no minimum established, in many cases, in
4 terms of the level of information that's collected.

5 And one of the jobs that a district and a
6 district manager has to do is assess the adequacy of
7 data and make decisions about what needs to be
8 collected.

9 Now, in terms of data on
10 recreationalists, I think that if we were to look
11 across the region you would find that a variety of
12 districts responded to this in a variety of different
13 ways and an example I would use, for example, as you
14 know the Temagami District is a canoe route -- is a
15 district that's extremely popular from the point of
16 view of canoeing. And over a number of years the
17 people in Temagami undertook extensive aerial surveys,
18 end user surveys specifically to develop better
19 understanding of who the people were that were using
20 that particular area of the province.

21 Other districts that have fairly
22 intensive Crown land recreational programs, and
23 certainly I can remember districts in the northeastern
24 region when I was there, we maintained registration
25 boxes on our access points with a form that was used to

1 collect basic information on who the people were, where
2 they came from, how often they had been there, and some
3 other basic demographic characteristics.

4 We get involved with a number of other
5 agencies on a district basis who may undertake to do
6 research of that kind in the district.

7 Q. In which district?

8 A. Well, a variety of districts. And I
9 think the point I am making is the district responds on
10 the basis of what it perceives to be its need and the
11 adequacy of its data.

12 One other point I would make is that all
13 districts have access to a substantial amount of
14 research that's been undertaken, either within the
15 Ministry or outside the Ministry, that provides basic
16 information on outdoor recreational user groups. And I
17 refer to things like the Outdoor Recreation Surveys and
18 a variety of fairly major undertakings which occurred,
19 I guess mainly during the 70s and into the 80s, that
20 provided information characterizing various
21 recreational users, their characteristics and their
22 preferences in terms of use.

23 So I don't think you should come away
24 with the impression that we have a very limited
25 database and that it is never expanded to meet needs,

1 because I think that's far from the case.

2 As I say, we respond at the local level
3 based on need and, secondly, we do have access to a
4 significant body of information on recreationalists.

5 MS. SWENARCHUK: Mr. Chairman, this might
6 be an appropriate time for a break before beginning
7 with another subject area.

8 THE CHAIRMAN: All right. We will break
9 for 20 minutes.

10 ---Recess taken at 10:12 a.m.

11 ---Upon resuming at 10:50 a.m.

12 THE CHAIRMAN: Thank you, ladies and
13 gentlemen. I apologize, from time to time, for the
14 delay. Occasionally we have the odd forest fire to put
15 out at the Board ourselves.

16 MS. SWENARCHUK: How are the trappers
17 doing?

18 THE CHAIRMAN: I get nailed up here
19 occasionally to give some advice. So every once in a
20 while, we will have these short delays.

21 MS. SWENARCHUK: Before moving on to a
22 new subject area altogether, just a couple of brief
23 points.

24 Q. The first is for Mr. Clark following
25 on your discussion of Temagami just before the break

1 and I have here the MNR 1987 Statistics which I
2 understand is Exhibit No. 26 -- sorry, Exhibit 29.

3 MR. COSMAN: Mr. Chairman, just if I may,
4 before Ms. Swenarchuk continues. I wonder if she might
5 either informally or formally let us know what exhibits
6 she is going to be referring to because, of course, we
7 can't have them all here. We have them available to us
8 and...

9 MS. SWENARCHUK: I wasn't intending to
10 use this one, Mr. Cosman.

11 MR. COSMAN: Oh, all right. But if she
12 is going to use one, because we had that problem
13 earlier as well.

14 THE CHAIRMAN: Okay.

15 MS. SWENARCHUK: Q. Now, I believe your
16 comment was that information -- to the effect that
17 information on, for example, campers and canoeists is
18 available for the parks in the Temagami area?

19 MR. CLARK: A. Well, it is certainly
20 available for the parks. The point I was making that
21 the district undertook a number of surveys over a
22 period of time in the 70s and 80s. These were aerial
23 recreation surveys primarily focusing on canoeists who
24 utilize the Temagami area and the area north and west
25 of Temagami.

1 And the purpose -- and I believe, in
2 addition to that, they also did user surveys where they
3 undertook to survey canoeists at selected points on
4 canoe routes in that area. I don't remember the
5 details of that part of it. I do know they did aerial
6 surveys. So these surveys --

7 Q. At what time period was this?

8 A. Well, I believe they would have been
9 prior to the designation and somewhat after the
10 designation of the Lady Evelyn Smooth Water Wilderness
11 Park and, of course, the surveys were undertaken in
12 that area and a broader area.

13 Q. Could you turn to page 51 of Exhibit
14 29.

15 THE CHAIRMAN: Do we have that here?

16 MS. SWENARCHUK: No. As I say, I was not
17 intending to use it, so I didn't tell Mr. Mander in
18 advance. This is a table -- would you like me to wait
19 until he comes.

20 THE CHAIRMAN: Well, I do not know that
21 we will need it, depending on what your question is.

22 MS. SWENARCHUK: Q. This is a table of
23 statistics regarding park usage and the Temagami area
24 is listed second from the bottom on page 51, Mr. Clark.

25 MR. CLARK: A. That's correct.

1 Q. And there are four parts listed
2 including the Lady Evelyn Smooth Water Wilderness Park
3 and the Makobe Grays River which is a waterway park.
4 And if we look at the statistics available in the chart
5 overall, there are statistics for numbers of campers
6 and camper nights.

7 And my question for Mr. Clark is: Does
8 he have an explanation for why, with regard to these
9 two parks in the Temagami area, there is no data listed
10 for numbers of campers or camper nights?

11 A. Yes, I think I can speak to that.
12 Finlayson Point Park has been in existence -- it's a
13 recreation class park immediately south of Temagami, it
14 has been in existence for quite a long time. It is
15 primarily a camping and day use park. In that context,
16 we have issued permits for day use and camping. The
17 day use and camping permit is the basis on which
18 information concerning use of parks is collected.

19 In Lady Evelyn Smooth Water, that park
20 has now been put into regulation but - and I am not
21 sure what the particular status of the issuance of
22 permits is right now - but at least at the time these
23 statistics were collected, it would appear that the
24 district was not issuing permits to park users and that
25 would have formed the basis for actually getting --

1 that's the basis on which these particular statistics
2 are developed.

3 Q. But you would agree with me that it
4 appears that that kind of information is not available
5 at this time for those two parks?

6 A. I don't think that's correct. I
7 think it is not available in this particular document.

8 I think the point I am making is, on the
9 basis of the aerial surveys that were done, I think
10 that the district can identify with a fair amount of
11 accuracy the amount of use that is occurring within
12 those areas and the reason -- and I want to stress
13 here, there is no hidden agenda here.

14 The reason that the statistics weren't
15 collected is that these areas only recently became
16 provincial parks and, in all instances where we
17 establish new parks, the district is faced with the
18 problem of putting management systems in place that
19 will allow us to issue permits and that means having
20 issuing stations and a variety of other things.

21 Q. Would you agree, Mr. Clark, that Lady
22 Evelyn Smooth Water Park was put into place in 1983?

23 A. That's correct, I believe so.

24 Q. And these statistics are from 1987,
25 presumably for the 1986 year. Surely there was time

1 between '83 and '86 to regulate -- or to enumerate
2 something as basic as the numbers of campers and camper
3 nights?

4 A. I can't speak to the details.

5 Q. That's fine, thank you.

6 One other small point before I go on, and
7 that is partly a request to Mr. Freidin, I guess. Mr.
8 Kennedy, the values map that you spoke to in your
9 evidence from the Timmins Forest FMA was, I believe,
10 the first run at a values map and it was from early
11 1987; is that right?

12 MR. KENNEDY: A. It is one of the first
13 examples -- first production of a map that is akin to a
14 values map. It was done prior to the formalization of
15 the concept of the values map.

16 Q. In any event, that particular map was
17 from early 1987 Mr. Freidin informed us. Is that your
18 information?

19 A. Yes, I believe it is.

20 Q. And presumably the timber management
21 planning process has proceeded in that FMA since 1987
22 and is at a later stage now.

23 I am wondering if you could tell us if
24 there have been any changes in that values map to the
25 present and, secondly, Mr. Freidin, could we see a

1 current version of that values map, current to the
2 point that the timber management planning process is at
3 in the Timmins area?

4 A. I believe that map is from an
5 approved plan.

6 Q. It is from an approved plan?

7 A. I believe so. And that it is the
8 most current plan, current map available. I had it
9 sent in first of last week.

10 Q. That was my understanding. All
11 right, thank you.

12 A. I might add, as such, it reflects any
13 changes that would have been brought forward by parties
14 during the public consultation process.

15 Q. Are you saying that it was not
16 prepared in early 1987?

17 A. Yes, it was.

18 Q. And at that point the public
19 consultation process had already been completed?

20 A. No, it was brought forward at the
21 initial stage of the planning process.

22 Q. Yes?

23 A. And was carried out throughout the
24 plan and is currently part of the timber management
25 plan.

1 Q. And the values map in the form that
2 you showed us here is now part of an approved plan?

3 A. Yes.

4 Q. And identical to the original values
5 map?

6 A. That is the only copy in existence.

7 Q. Okay, thank you.

8 A. In fact, I had made reference to the
9 fact that we have to send out to get it copied in order
10 to put that particular version back into the plan.

11 Q. Some questions now for Mr. McNicol.

12 My colleague, Mr. Castrilli asked Mr. Freidin during
13 Panel 6 who could tell us about woodland caribou and I
14 believe Mr. Freidin informed him that those questions
15 would come to Panel 7, and so I want to talk to Mr.
16 McNicol about woodland caribou for a while.

17 And you have had a chance to review the
18 articles that I provided to Mr. Freidin yesterday, have
19 you?

20 MR. McNICOL: A. Thank you for the
21 provision, yes.

22 Q. Now, would you agree with me, first
23 of all, that woodland caribou are a species -- or is a
24 species which prefers old growth forest for habitat?

25 A. By and large that's a correct

1 statement.

2 THE CHAIRMAN: Ms. Swenarchuk, were you
3 going to have the articles that you provided made part
4 of the record?

5 MS. SWENARCHUK: They will be, yes.

6 THE CHAIRMAN: Okay.

7 MS. SWENARCHUK: Now, the first article
8 that I want to discuss is the Hamilton article, Moose
9 and Woodland Caribou in West Patricia.

10 THE CHAIRMAN: This will be Exhibit 351.

11 ---EXHIBIT NO. 351: Article entitled: Moose and
12 Woodland Caribou in West Patricia.

13 MS. SWENARCHUK: Do you have a copy, Mr.
14 McNicol?

15 MR. McNICHOL: I do, thank you.

16 MS. SWENARCHUK: Q. This is a
17 publication of the Ministry of Natural Resources, is it
18 not, the fish and wildlife review?

19 MR. McNICOL: A. That's correct.

20 Q. And Mr. Hamilton, who at that time at
21 least was a wildlife biologist in the West Patricia
22 area, is the author of this article.

23 My first question for you has to do with
24 the current population of woodland caribou in Ontario.
25 And if we look at page 9 of the article, the second

1 paragraph on the left-hand column, we see that woodland
2 caribou, by contrast to moose, had been protected from
3 sport hunting in Ontario since 1929 and their numbers
4 appeared to have increased slightly since they were
5 surveyed in the 1960s.

6 Now, do you have any information, Mr.
7 McNicol, about whether the -- about the current
8 population of woodland caribou and about trends in
9 their population at this time?

10 A. In the preparation of the
11 backgrounder to the woodland caribou policy, which is
12 the new policy in Ontario, the estimate that was
13 derived from polling the districts, in those districts
14 where caribou exist - and they do not exist in all
15 districts across the area of the undertaking - but, as
16 a result of that polling and estimation, the number I
17 believe is 15,000.

18 The number that was derived in the first
19 survey which was done by our current Director of
20 Wildlife Branch, Don Simkin in 1965, was 15,000.

21 Q. That was 1955?

22 A. 1965, yes.

23 Q. So the population has remained
24 stable?

25 A. It is important to note that these

1 are estimates and there are confidence intervals that -
2 I shouldn't say confidence intervals, because these
3 were not statistically conducted surveys that we are
4 speaking of - but, obviously, estimates can vary up or
5 down. All I am giving you is our best estimate at this
6 time based on our best data and comparing that to Mr.
7 Simkin's estimate in 1965.

8 Q. And when the figure that -- the
9 woodland caribou policy, first of all, that you spoke
10 to, when was it issued and when was the survey done
11 that arrived at the same figure of 15,000?

12 A. The information that was collected
13 for that estimate, I am not sure over what time frame
14 it was collected. I was not part of the working group
15 that was involved in development of the backgrounder
16 information. I would suggest that it probably took
17 place over the last two years in terms of time.

18 Q. That's up to the present time then.
19 It's a very current estimate, you are saying?

20 A. It is our best estimate to this point
21 in time, yes.

22 MS. SWENARCHUK: Could I have a moment,
23 Mr. Chairman.

24 Q. Mr. McNicol, reading on in Mr.
25 Hamilton's article, the next paragraph, he indicated

1 that:

2 "The problems faced by caribou today
3 are complex and could be triggered
4 directly or indirectly by development.
5 Key winter habitats may be destroyed by
6 logging or fire. At the same time
7 the creation of younger age habitats may
8 result in greater numbers of moose
9 indirectly increasing predation rates on
10 caribou by allowing an expansion of wolf
11 populations..." et cetera.

12 Would you agree then that woodland
13 caribou are -- or is a species which will not
14 necessarily be protected by managing the habitat for
15 moose?

16 A. I would.

17 Q. His final paragraph is that:

18 "The future of caribou is not entirely
19 bleak. Whether it remains to be seen how
20 much consideration will be given to
21 protecting an animal which, although
22 interesting, is rarely seen and has
23 little economic importance."

24 Could you tell the Board, Mr. McNicol,
25 where woodland caribou exist in Ontario at this time?

1 A. That probably would be best done with
2 a map, if I could.

3 Q. Certainly.

4 A. This will be an approximation, but if
5 you wish to start in the Kenora area, the northwest
6 portion of our province, the line above which woodland
7 caribou exist and below which they are existing perhaps
8 in a remnant population would run -- there is a little
9 dip here on Lake Nipigon because there is a population
10 there in the Armstrong area.

11 THE CHAIRMAN: I think we are going to
12 have to try and describe where you are drawing the line
13 in some kind of verbiage so we can get it into the
14 transcript.

15 MR. McNICHOL: I would suggest that the
16 best information would be available in the backgrounder
17 in terms of the current range and...

18 MS. SWENARCHUK: Q. One of the exhibits,
19 one of the articles that we made an exhibit?

20 MR. McNICOL: A. No. The backgrounder
21 report which is a report that was made in preparation
22 for the woodland caribou policy which had the
23 information that you are requesting. If I might have a
24 minute, I can see if I can find it in the report.

25 THE CHAIRMAN: Do you need it that

1 precisely, or would you be content with just having Mr.
2 McNicol just describe on the map in words.

3 MS. SWENARCHUK: Yes, for your assistance
4 now, I would be satisfied if he just describes it and
5 if you wish, we could then read into the record later
6 from the backgrounder the exact location.

7 THE CHAIRMAN: All right. Mr. McNicol,
8 would you just start from the left-hand side of the map
9 and say that the location is in an area bounded by and
10 try and describe a few key points, if you can.

11 MS. SWENARCHUK: Just indicate it for the
12 Board and we can use the backgrounder later to read it
13 formally.

14 MR. McNICHOL: Mr. Chairman, did you wish
15 to me to indicate to you geographical boundaries as I
16 go across the map with the line?

17 MR. FREIDIN: I think generally what he
18 wants, Mr. McNicol, is just sort of say, starting at
19 the Manitoba/Ontario just south of that green area
20 which is a park, before you start proceeding easterly
21 and basically in a straight line and then when you get
22 to a certain location going south to Lake Nipigon,
23 across Lake Nipigon or something like that.

24 MS. SWENARCHUK: I think we can make it
25 easier, Mr. Chairman, if simply draw the line for you

1 now and we will read it into the record formally later
2 through the backgrounder. If that's satisfactory to
3 you. I don't want to make this unnecessarily
4 complicated.

5 THE CHAIRMAN: Okay. Perhaps -- is there
6 any problem with marking up that particular exhibit?

7 MR. FREIDIN: I don't know whether the
8 line obliterates something which is important on that
9 map. I have got some concern, but I don't know where
10 it is going or not.

11 MR. McNICOL: This is Mr. Beechey's
12 evidence. I don't know if he will --

13 MR. BEECHEY: It is subject to review and
14 finalization anyway, to my understanding.

15 THE CHAIRMAN: All right. Why don't you
16 just take a marker, if you can. Can you just draw...

17 MR. McNICOL: It is hard to do that
18 lightly with a marker.

19 MS. SWENARCHUK: Q. Sir, are you going
20 to use Exhibit 11, is that?

21 MR. McNICHOL: Yes.

22 Q. Fine.

23 A. This is going to be rough, but
24 hopefully it will give you an idea of a range. That's
25 pretty rough.

1 THE CHAIRMAN: So it is depicted by a
2 dotted black line and you are indicating that the
3 location where woodland caribou are normally found are
4 what, north of that line?

5 MR. McNICOL: Correct.

6 MS. SWENARCHUK: Q. And would you agree
7 there are some remnant populations south of the line?

8 A. Thank you. There are remnant
9 populations down in the Slate Islands which are located
10 here in Lake Superior, approximately to Terrace Bay, on
11 Michipicoten Island where there has been an
12 introduction of woodland caribou, and there is another
13 island approximate to the Slate Islands - the name of
14 which escapes me - where another introduction of
15 woodland caribou have been made.

16 Q. Thank you.

17 A. Some also in Pukaskwa National Park.

18 Q. Mr. Beechey?

19 MR. BEECHEY: A. If I may, just for the
20 record, I think it is important to point out that a
21 number of these populations do coincide with
22 substantial protected areas, wilderness parks or other
23 park classifications.

24 Certainly in the far northwest, woodland
25 caribou derives its name from the fact that substantial

1 habitat is included in that particular park. One of
2 the other locations in the area of Lake Nipigon
3 referred to by Mr. McNicol Wabakimi also provides or
4 protects habitats -- substantial habitat.

5 The Slate Islands to which he referred is
6 a natural environment class of provincial park and one
7 of the reasons why it was designated was because of the
8 remnant population of caribou that is on the there, as
9 well Michipicoten Island is a natural environment
10 provincial park, the area to which he referred to,
11 where introductions have taken place.

12 Additionally I don't have any specifics
13 on it, but I do know that there is further work going
14 on in Wawa District with respect to reintroduction of
15 woodland caribou into Lake Superior Provincial Park and
16 I believe there has been some successful transplant in
17 that regard with respect to some ongoing work.

18 So I just make the point that for some of
19 these populations on the southern limit, they do
20 coincide with substantial protected areas. I think the
21 important point is is that these large wilderness
22 parks in fact are rather largely strictly protected, as
23 you recall from my earlier evidence, and would protect
24 a lot of the old growth characteristics that are of
25 concern.

1 Q. You pre-empted my next question, Mr.
2 Beechey, thank you, the relationship between parks and
3 habitat.

4 MR. McNICOL: A. For the Board's
5 edification, the parks to which Mr. Beechey referred,
6 there is Woodland Caribou Park here.

7 Q. This is on Exhibit 214?

8 A. Sorry, this is Exhibit 214, yes,
9 indicating Ontario provincial parks. Wabakimi is
10 indicated here.

11 Q. Thank you. Now, just a point of
12 clarification, Mr. McNicol. You have referred several
13 times now to the woodland caribou policy for the
14 province. Is this different than the Habitat
15 Management Guidelines for Woodland Caribou?

16 A. It is.

17 Q. And when was this policy issued?

18 A. The policy I do not believe has been
19 formally released. It is in its, I believe, last draft
20 now, but it has not been formally released as yet.

21 MS. SWENARCHUK: Could you produce a
22 draft of that for us, please, Mr. Freidin?

23 Q. Might I just point out that I don't
24 see reference to such a policy in Mr. Simkin's memo to
25 the regions, Exhibit 311, which does list drafts.

1 Could you explain why it wouldn't be
2 listed there?

3 MR. McNICOL: A. Oh, I am sorry. You
4 are speaking of the Simkin memo--

5 Q. Yes.

6 A. --that talks to the guidelines? We
7 should be clear about this; we are talking about two
8 different things. One is policy and one are Habitat
9 Management Guidelines for Caribou. The guidelines for
10 caribou have been in recent production.

11 Q. Yes.

12 A. Concommitment with the policy. So
13 neither of those have been finalized to this point in
14 time, but both are imminent.

15 Q. All right.

16 THE CHAIRMAN: Is there any problem with
17 producing that, Mr. Freidin?

18 MR. FREIDIN: Well, Mr. Chairman, it is
19 my information that the policy is in draft, it is not
20 being implemented or being referenced in terms of what
21 is happening in terms of the management of woodland
22 caribou in the field and, therefore, I would
23 respectfully suggest that the draft of that policy
24 would not be helpful to the Board.

25 Rather I can undertake that if that

1 policy is finalized and does in fact have some
2 significance in terms of what, in fact, is occurring in
3 the field, then I will produce the copy.

4 I don't see how a draft of this kind
5 would help.

6 THE CHAIRMAN: Well, certainly it
7 indicates what direction the Ministry is going with
8 respect to its management; does it not?

9 MS. SWENARCHUK: Mr. Chairman, I --

10 THE CHAIRMAN: Sorry.

11 MS. SWENARCHUK: I had numerous questions
12 with regard to Ministry initiatives and practices with
13 regard to woodland caribou.

14 Frankly, I think it would be a more
15 efficient use of the Board's time if I could see the
16 draft and perhaps, on another day, if necessary,
17 question Mr. McNicol on this area which I was planning
18 to question him on today.

19 I was not aware -- we were not aware of
20 the existence of this policy, even in draft. I might
21 just put the obvious question that flows from this as
22 well.

23 Q. Mr. McNicol, to your knowledge, are
24 there policies in existence for other species, or in
25 draft form, provincial policies?

1 MR. McNICOL: A. Not to the best of my
2 knowledge, no.

3 Q. So woodland caribou is the only
4 species for which this has been begun or completed?

5 A. It is the only species for which I
6 know a policy is being undertaken, yes.

7 MR. FREIDIN: Mr. Chairman, we will
8 produce the draft.

9 THE CHAIRMAN: Very well. So after
10 production of the draft, Ms. Swenarchuk, if you have
11 questions arising out of the draft -- hopefully you can
12 do this quickly, Mr. Freidin?

13 MR. FREIDIN: I hope so.

14 THE CHAIRMAN: The reason I am asking is
15 that we would like to complete your cross-examination
16 before we rise next week.

17 MS. SWENARCHUK: Oh, certainly.

18 MR. FREIDIN: We hope to be able to get
19 it well within the time frame so that Ms. Swenarchuk
20 can use it before this panel is over.

21 THE CHAIRMAN: Very well.

22 MS. SWENARCHUK: I would just say, Mr.
23 Chairman, that I would hope to reserve the right to ask
24 questions, not only arising out of the policy, but
25 arising out of the practice that has led up to now,

1 which I was going to question.

2 THE CHAIRMAN: Well -- .

3 MS. SWENARCHUK: I think it is a more
4 efficient use of the Board's time than going through
5 all this if in fact...

6 THE CHAIRMAN: Well, it may be, but I
7 think in fairness we want to complete the
8 cross-examinations at one time concerning this panel.

9 Obviously you cannot cross-examination on
10 something that you have not been provided with, and
11 that is going to be rectified.

12 MS. SWENARCHUK: Okay.

13 THE CHAIRMAN: But to reserve your right
14 to further cross-examination on something else other
15 than what is going to be produced, I think would be
16 counterproductive to the Board's desire to have this
17 panel's evidence completed in its entirety.

18 MS. SWENARCHUK: Okay, fine. Then I will
19 proceed with the other materials now.

20 THE CHAIRMAN: Thank you.

21 MS. SWENARCHUK: Q. Mr. McNicol, is
22 there a moose policy for the province as well?

23 MR. McNICOL: A. There is a moose
24 habitat policy that was brought into existence in 1980.
25 In terms of overall moose policy, not to my knowledge.

1 Q. Now, I would like to discuss with you
2 next the backgrounder to the West Patricia Land Use
3 Plan.

4 A. I am sorry?

5 Q. Yes. I would like to discuss next
6 the backgrounder to the West Patricia Land Use Plan.

7 THE CHAIRMAN: Exhibit 352.

8 ---EXHIBIT NO. 352: Excerpt from Backgrounder to West
9 Patricia Land Use Plan dated 1982.

10 THE CHAIRMAN: This is only an excerpt;
11 is it not?

12 MS. SWENARCHUK: This is an excerpt, yes.

13 THE CHAIRMAN: Thank you.

14 THE CHAIRMAN: What date is this? Do you
15 have a date on it?

16 MS. SWENARCHUK: 1982.

17 THE CHAIRMAN: Thank you.

18 MS. SWENARCHUK: Q. Could we turn to the
19 third page of the material provided.

20 THE CHAIRMAN: I guess we should number
21 these consecutively because there are no numbers on
22 these pages.

23 MS. SWENARCHUK: Right. Mr. Huff is
24 suggesting that the original document did not have page
25 numbers and we could identify this by being the caribou

1 section of the original document.

2 THE CHAIRMAN: Well, some of the pages
3 do. There is a page 12 in here, but I suggest for
4 everyone if we start at page 1 and just number them
5 consecutively right to the end, for the purposes of
6 your examination we will use those numbers.

7 MS. SWENARCHUK: Fine.

8 Q. Now, if we look at the human
9 disturbance section then, Mr. McNicol, we see that two
10 potential problem areas for caribou were identified in
11 the West Patricia area and that was Nos. 1 and 2:
12 Increased road accessibility of caribou range, and
13 habitat lost through logging and recreational use.

14 Correct?

15 MR. McNICOL: A. Correct.

16 Q. And just prior to that there is a
17 section on problems of fire and logging, and I won't
18 read that into the record, but the Board may want to
19 look at that.

20 But then there were recommendations A and
21 B at the bottom of that column:

22 "(a) The rate of habitat disturbance
23 cannot exceed the rate at which disturbed
24 areas regenerate to maturity without an
25 overall reduction in range quality."

1 This was an expectation. Do you have any
2 information about whether the caribou habitat has
3 maintained the quality that existed at this time?

4 A. This is referring particularly to the
5 WPLUP area?

6 Q. Right.

7 A. The West Pat study area?

8 Q. Right.

9 A. No, I do the not.

10 Q. All right. Paragraph B then said
11 that:

12 "(b) Consideration should be given to
13 Protecting key habitat areas used by
14 isolated herds until alternate nearby
15 areas become available."

16 Do you know whether the Ministry
17 implemented that recommendation to any extent?

18 A. Specifically to the WPLUP area, I
19 can't speak to that directly. It is important,
20 probably, for the parties and the Board to note that
21 the WPLUP planning area, virtually all of it, or a very
22 major portion of it, was outside -- or is outside the
23 area of the undertaking.

24 So that in terms of imminent threat with
25 regard to disturbance from forest harvesting, it does

1 not generally exist in the bulk of the WPLUP planning
2 area.

3 THE CHAIRMAN: How do you pronounce that?
4 MS. SWENARCHUK: West Patricia Land Use
5 Plan.

6 THE CHAIRMAN: Oh, that is the acronym.
7 MS. SWENARCHUK: Yes.

8 MR. FREIDIN: W-P-L-U-P.

9 MS. SWENARCHUK: A map of the area in
10 question, Mr. Chairman, exists on the first page of the
11 Hamilton article that I referred to earlier in the day
12 or on the same page as the first page, sorry.

13 THE CHAIRMAN: It is Exhibit 351?

14 MS. SWENARCHUK: No, excuse me, it is not
15 the first page, it is the third page -- fourth page of
16 that handout.

17 Q. Could we look then at the Habitat
18 Management Guidelines for Woodland Caribou, Mr.
19 McNicol, that is Exhibit 247.

20 MR. McNICOL: A. I have it.

21 THE CHAIRMAN: Are we supposed to have
22 that?

23 MS. SWENARCHUK: Yes, Mr. Chairman.

24 THE CHAIRMAN: What is it?

25 MS. SWENARCHUK: I didn't see Mr. Mänder

1 to tell him. It is Exhibit 247.

2 THE CHAIRMAN: But what is it?

3 MS. SWENARCHUK: It is entitled: Habitat
4 Management Guidelines for Woodland Caribou.

5 MR. FREIDIN: One of the documents filed
6 by Mr. Castrilli.

7 THE CHAIRMAN: I do not think we have it
8 up here.

9 MS. SWENARCHUK: Did you want to take a
10 break and get it?

11 MR. FREIDIN: I have one.

12 THE CHAIRMAN: All right. That is
13 Exhibit...?

14 MS. SWENARCHUK: 247.

15 THE CHAIRMAN: All right. If Mr. Mander
16 can hear us, because he sometimes monitors this, would
17 he bring us Exhibit 247. We will see if this magic
18 communication works.

19 MS. SWENARCHUK: While we are waiting for
20 that, I could proceed with another question.

21 Q. Mr. McNicol, can you tell us --

22 THE CHAIRMAN: Well, hold on a second. I
23 think Mr. Campbell and...

24 MS. SWENARCHUK: And Mr. Williams have
25 left, yes.

1 THE CHAIRMAN: They just checked out for
2 a couple of minutes, so perhaps we will just wait a
3 couple more minutes.

4 MS. SWENARCHUK: (handed)

5 THE CHAIRMAN: Okay. I think we will
6 proceed on the basis of the copies that we have.

7 MS. SWENARCHUK: Q. If we turn to the
8 third page of the guidelines then, Mr. McNicol, we see
9 that seven paragraphs of the guidelines were arrived at
10 in this second draft of the guidelines dated April,
11 1985.

12 Now, can you tell us with respect to each
13 paragraph whether, to your knowledge, these
14 prescriptions have been put in place for the protection
15 of woodland caribou habitat?

16 MR. McNICHOL: A. If we begin with
17 paragraph 1:

18 "Modified management areas should be
19 designated for woodland caribou wintering
20 areas and calving sites and migration
21 routes."

22 I don't wish to confuse the Board or the
23 parties concerning modified management areas. If you
24 consider them areas of concern, I think it would
25 probably save a lot of confusion, but this was old

1 terminology.

2 Q. Yes.

3 A. We now have new terminology.

4 Q. Had to do with, shall we say,
5 modified management practices in sensitive areas; would
6 you agree?

7 A. Correct. This particular point has
8 been addressed in at least one location that I am
9 familiar with.

10 Q. And where is that?

11 A. This would be in the Lake
12 Nipigon/Armstrong area. There a wintering population
13 of caribou on prime winter range is located just south
14 of an unused airport approximate to Armstrong. That
15 particular group of animals summers on the Lake Nipigon
16 Islands and that is where the calving occurs and there
17 is a migration route between those two locations,
18 obviously summer and winter.

19 Q. Mm-hmm.

20 A. And that migration route, the
21 wintering grounds and, obviously, the habitat on Lake
22 Nipigon Islands is not a problem, but there have been
23 active interest in logging the migration route and also
24 the wintering grounds over the last approximately ten
25 years and that population and those critical habitats

1 have been retained over that time frame.

2 Q. And do you have any information about
3 any of the other wintering areas and calving sites and
4 migration routes?

5 A. That is the one I am most familiar
6 with. I have, with provision of your material, read
7 about the Cliff Lake herd and its disappearance from an
8 area where logging was occurring. It is not an
9 isolated instance, there are other locations where
10 caribou populations that had existed there, with the
11 introduction of logging, have either moved -- they have
12 moved.

13 Q. Thank you. Paragraph 2, then:

14 "A 2-kilometre undisturbed forest
15 should be maintained around the core of
16 prime winter range as defined by field
17 observations."

18 I guess your previous comments would
19 apply to this as well?

20 A. I can't speak to undisturbed forest
21 relative to the prime winter range in Armstrong. All I
22 can -- I am not sure whether 2-kilometres is the
23 distance between the disturbance and where that prime
24 winter range is now, but what I can say is that that
25 winter range continues to be utilized.

1 Q. But the question would be, whether a
2 2-kilometre undisturbed forest has been maintained
3 around the prime winter range. Is that the practice
4 that was instituted to protect it, or is it some other
5 practice?

6 A. You have to recognize that this has
7 been going on now, the concern with regard to the prime
8 winter range and the migration route has been going on
9 for the last ten years which was much before these
10 guidelines were--

11 Q. I see.

12 A. --developed.

13 Q. And with regard to other wintering
14 areas, or winter range, you don't have information
15 about what has happened on those ranges?

16 A. Besides the examples that I stated
17 before, no.

18 Q. Fine. And what about paragraph 3:
19 "A 1-kilometre around known calving
20 sites."

21 A. In the case of the Nipigon Lake
22 example, obviously since the calving activity occurs on
23 islands, that is not of concern. In the other
24 examples, I do not have.

25 Q. Paragraph 4, then.

1 A. Did you wish me to read it?

2 Q. Actually, paragraph 4 I don't have a
3 question on.

4 A. Okay.

5 Q. Paragraph 5:

6 "Where feasible, it is desirable that
7 cut-overs created in accordance with
8 Guideline No. 4 which has to do with
9 clearcuts should be lightly
10 scarified/left on site and lichen seeded
11 to encourage long-term regeneration of
12 Lichen stands."

13 Are you aware of whether this
14 prescription has been put in place in any area?

15 A. Again, in Nipigon. I know the
16 Nipigon forest management staff, in concert with the
17 wildlife biologist, have attempted to do some lichen
18 regeneration on some jack pine sites that are in the
19 area of the prime winter range to see whether it is a
20 feasible technique for regenerating lichens on those
21 sites in a more rapid manner.

22 The details of the results of that
23 particular -- this has been, I think, five years now
24 since that was instituted and it is done on a very
25 small scale, I might add, it is not a very large

1 project. But the results of that, I am not aware of,
2 whether it was successful or not.

3 Q. And who could provide us with
4 information as to the relative success of that
5 experiment?

6 A. The district staff at Nipigon would
7 be able to provide some analysis of the situation.

8 Q. Now, paragraph 6 is a fairly broad
9 prescription:

10 "Forest road access should be controlled
11 and scarified as soon as practical in the
12 vicinity of prime winter range."

13 Do you have any knowledge about that
14 practice?

15 A. No.

16 Q. Not for any of the winter range
17 areas; is that right?

18 A. Correct. In the Nipigon situation,
19 the road access, as it happens, to the airport is very
20 close to -- and this is not a tertiary road, this is a
21 main --

22 Q. Primary access road?

23 A. I wouldn't call it primary, secondary
24 access road that does receive a fair amount of use.
25 That hasn't seemed to deter this particular population

1 from using that area close to that particular road.

2 Q. Paragraph 7:

3 "When caribou migration routes have been
4 Identified, logging within 1-kilometre of
5 or road access adjacent or across such
6 areas should be avoided between mid-April
7 and mid-May. No major development such
8 as log landings should be created within
9 migratory routes."

10 What information do you have about that
11 practice?

12 A. Again, with the Armstrong/Lake
13 Nipigon herd, I know that the migration route has been
14 protected. I am not sure of the specifics or details
15 of how it has been protected with regard to whether,
16 for instance, logging has occurred within 1-kilometre
17 of.

18 Q. I wonder if anyone else on the panel
19 has any information about practices with regard to
20 woodland caribou. Don't all speak at once. Fine.

21 A. I might point out, and I think as has
22 already been entered into the record, this is the
23 second draft of guidelines, and its date is 1985. So
24 they are relatively recent.

25 Q. The last article that was provided to

1 you, Mr. McNicol, was an article by Chris Brousseau,
2 District Biologist from Dryden. (handed)

3 A. I have it.

4 MS. SWENARCHUK: (handed)

5 THE CHAIRMAN: Exhibit 353.

6 ---EXHIBIT NO. 353: Excerpt form Article entitled:
7 Trends in the Woodland Caribou
8 Population in the Cliff Lake Area
9 by Chris Brousseau.

10 MS. SWENARCHUK: Q. Now, on the last
11 page of this article was a recommendation by Mr.
12 Brousseau that the entire area east of Front Lake,
13 south of Smart and Adelaide Lakes, west of Cliff Lake
14 and north of the Norwest Bay should remain undisturbed
15 and left as a caribou reserve, the reason being this is
16 probably the last remaining caribou area in the Dryden
17 District. Do you have any knowledge about whether that
18 recommendation was implemented?

19 MR. McNICOL: A. I do. We made a phone
20 call to Dryden District anticipating your question and
21 our information is that that area has been extensively
22 cut, the area that was recommended to be held in
23 reserve as caribou habitat, and the rationale for
24 that - and there was a conscious decision made - was
25 that the caribou, and we were only ever talking about
 40 caribou in this particular area, the area that was

1 originally cut and in the area that Mr. Brousseau
2 suggested should be left untouched.

3 It was determined that when the Cliff
4 Lake area, the first area that was cut, when that area
5 was indeed cut, the caribou that had existed there had
6 moved over into the area which Mr. Brousseau suggested
7 should be left uncut, at least that was his assumption;
8 caribou still existed here.

9 What was noted, however, was that the
10 number of caribou that existed in the intact block
11 reduced, their numbers reduced over time and this was
12 in the absense of logging practices within the intact
13 block. Logging had occurred in the their previous
14 habitat.

15 Q. Yes.

16 A. In 1980 the decision was made --
17 since in 1979 the last survey that was done for caribou
18 by Mr. Carl Hanson, Conservation Officer there in
19 Dryden, there were no caribou noted in the intact
20 block, the decision was made at that time to proceed
21 with cutting in the block that had been recommended to
22 remain uncut.

23 Q. This is the block recommended by Mr.
24 Brousseau. You are saying at this point there were no
25 longer any caribou in the block?

1 A. No. What I am saying is the survey
2 indicated there were no survey in the block, and that
3 was preceded by a 76-77 ground survey that indicated
4 the number of pellett groups in that particular area,
5 another means for determining relative animal
6 densities--

7 Q. Yes.

8 A. --had dropped significantly since
9 '72.

10 Q. So essentially the caribou had left
11 and that is the rationale for logging the site?

12 A. No caribou were seen in that
13 particular area. There was some supportive information
14 from 76-77 indicating that those numbers were
15 declining.

16 The '79 survey, if you will, was the
17 topping on the cake. There were no caribou sign or
18 observations of animals located or noted during that
19 survey, so the decision was made to go ahead and begin
20 the cutting.

21 Q. Okay. Now, you have agreed with me
22 earlier that -- I will put this another way: Woodland
23 caribou are an indicator species for old growth?

24 A. I would qualify that and I would
25 refer to the Armstrong/Nipigon herd. The prime

1 wintering range there is a 50-year-old sparsely stocked
2 jack pine stand over mineral soils with a good lichen
3 mat.

4 Now, that is 50-year-old jack pine; one
5 does not consider that old growth.

6 Q. It is unusual, is it not, for a
7 caribou range?

8 A. No, not given -- the conditions that
9 exist there perhaps are unusual in that you are looking
10 at extensive outwash sands and a sparsely stocked jack
11 pine stand, the result of a fire 50 years ago, an
12 excellent understorey of lichen.

13 So in that context, I would say perhaps
14 unusual in that the lichen has established so quickly
15 in a relatively short period of time.

16 Q. All right. And you agreed with me
17 earlier that this is a species which, in the normal
18 course, cannot -- for which habitat cannot be provided
19 necessarily by moose management?

20 A. Using the featured species approach
21 where we look at creating a diversity of age-classes
22 and stand types, in that context I would agree, yes.

23 Q. Could you indicate what other species
24 within the area of the undertaking, in your view, are
25 not necessarily provided for by managing for moose?

1 Could you enumerate mammals, birds and plants in those
2 categories?

3 A. I certainly couldn't give you
4 anywhere near a complete listing of all species that
5 require old growth forest, and I would venture to guess
6 that there would be few that would be able to give you
7 a complete listing of all those species that require
8 old growth, and that's a function of a relatively --

9 Q. It is not a test, Mr. McNicol. I
10 simply -- we are interested in what you, as a
11 practising wildlife biologist in this area, can tell us
12 about this question?

13 A. I think the important point to be
14 made here though is that there are, for many of our
15 species in the boreal forest, relatively incomplete
16 information concerning habitat requirements and even
17 some life histories.

18 If you are looking for examples,
19 certainly I have mentioned in previous evidence the
20 fact that marten is a species that prefers old growth,
21 if you will. They have -- in some studies in Maine,
22 they have indicated that with partial cutting and more
23 complete canopy closure after the partial cut, that
24 marten will continue to utilize those sites.

25 But by and large marten is one of the

1 furbearer species and perhaps the only furbearer
2 species for which good information exists that logging
3 of mature stands can have an impact on their habitat.

4 Q. Any other mammals that you would
5 specify here?

6 A. The woodland caribou, the marten. In
7 terms of other mammals, there are none that I would say
8 solely depended on the old growth forest, to the best
9 of my knowledge.

10 Q. All right. What about birds?

11 A. Well, I would be hard-pressed to give
12 you a good listing of birds that require old growth
13 forest.

14 Q. Is that because that's not your area
15 of concentration?

16 A. It is certainly not an area where I
17 have a great deal of expertise, yes.

18 Q. Okay. One last question in this
19 area. To your knowledge, are there other species
20 within the area of the undertaking which do not
21 necessarily require old growth habitat, but which
22 cannot be managed for by managing moose, or some other
23 reason?

24 A. you are speaking of a limiting factor
25 that would result because of the application of the

1 featured species, the Moose Habitat Management
2 Guidelines or Deer Habitat Management Guidelines?

3 Q. I am talking about other species
4 whose habitat needs may not be provided for by the
5 implementation of your moose management approach?

6 A. Other than those...?

7 Q. Other than those that prefer old
8 growth habitat.

9 A. To say not to that question would
10 imply that I have perfect knowledge of the habitat
11 requirements of a wide range of boreal species for
12 which little information, even in the literature, is
13 available. So I would be hard-pressed to give you a
14 definitive answer on that question.

15 Q. Fine. I think one last one. When I
16 spoke about species within the area of the undertaking
17 preferring old growth, I also asked you about plants.
18 Do you have any knowledge about plants which require an
19 old growth habitat in order to proliferate?

20 A. Again, this is really beyond my area
21 of expertise.

22 Q. Fine.

23 A. I wouldn't be able to give you an
24 answer on that.

25 MR. FREIDIN: Mr. Chairman, I should just

1 advise Ms. Swenarchuk that Dr. Eiler, who is one of the
2 panel members in Panel No. 10 which is dealing with
3 harvest, is the person to whom I think she might want
4 to follow up in relation to these questions. He
5 intends to deal with some of these areas, but there
6 will be another witness that can deal with this in
7 perhaps more detail than Mr. McNicol.

8 MS. SWENARCHUK: Q. I wonder if Mr.
9 Beechey would like to comment on this question?

10 The question has to do with plants within
11 the area of the undertaking, first of all, that require
12 old growth habitat; secondly, that cannot necessarily
13 be managed for by the implementation of moose
14 management program?

15 MR. BEECHEY: A. Well, if I can come to
16 Mr. McNicol's defence, that really is a difficult
17 question.

18 In the first instance I think you have to
19 be very careful on how you generalize what you mean by
20 old growth. We're talking about forest cover types
21 that do extend across three broad belts of vegetation
22 in the area of the undertaking. Two of them are
23 boreal, mid-boreal in the lower -- upper boreal regions
24 and the Great Lakes/St. Lawrence boreal forest region.

25 If you recall the slides I exhibited in

1 my presentation, I think you will generally be familiar
2 with that zonation. The range of forest types that you
3 get across those particular regions vary dramatically
4 with site conditions and a wide range of parameters.

5 On top of that I think it is fair to say
6 that certainly the characterization, if you will, of
7 the many forest types within those units has not been
8 worked out in a detailed way such that we could say
9 what represents old growth on a number of particular
10 sites.

11 On top of that, I have difficulty with
12 the fact that we are probably talking about something
13 in the order of a suite of, perhaps in the order of
14 maybe 15- to 1,800 vascular plants - it might even.
15 be higher than that - within the area of the
16 undertaking.

17 And just as Mr. McNicol has expressed
18 concern about trying to characterize, if you will, what
19 few wildlife species might be restricted to old growth,
20 the problem is much larger when you deal with that
21 large suite of vascular plants.

22 On top of that the audiology of most of
23 these species is very poorly known in terms of their
24 life history or their particular habitat requirements
25 through time, so it is not an easy question to deal

1 with.

2 . And I would be hesitant, for example, for
3 somebody to present me a list of the 2,000 or so
4 flowering plants that might occur in the area of the
5 undertaking and, before a forum like this, sit down and
6 kick off and read which ones of those might be of
7 concern and I would suggest that you probably wouldn't
8 get a plant ecologist on the continent that would be
9 prepared to undertake that kind of an exercise within
10 this kind of a setting. It just would require an awful
11 lot of work.

12 Q. Fair enough.

13 MR. FREIDIN: Mr. Chairman, just one
14 point. I understand that the document marked Exhibit
15 353 has already been marked as Exhibit 250.

16 THE CHAIRMAN: Well, in that case we
17 better not mark it twice.

18 MR. FREIDIN: The article: Trends in the
19 Woodland Caribou Population in the Cliff Lake area.

20 THE CHAIRMAN: Is it the same document?
21 I mean, does it --

22 MR. FREIDIN: Actually, I think Exhibit
23 250 perhaps is a complete document, it is not an
24 excerpt.

25 THE CHAIRMAN: All right. Why don't we

1 leave 353 marked as an excerpt of this document and
2 then we can say, perhaps make a note in our books, that
3 the complete document is marked as Exhibit 250.

4 What number is it?

5 MR. FREIDIN: 250.

6 THE CHAIRMAN: 250, right.

7 MS. SWENARCHUK: Now, returning to Mr.
8 McNicol.

9 Mr. Chairman, at what time did you plan
10 to break for lunch? This is a whole new area.

11 THE CHAIRMAN: I think we will break
12 shortly for lunch. How long do you intend to be, do
13 you think, with the rest of this panel, just by way of
14 estimation?

15 MS. SWENARCHUK: It may take the rest the
16 day.

17 THE CHAIRMAN: All right.

18 Okay. I think we will break now until
19 1:30. Thank you.

20 ---Luncheon recess taken at 11:55 a.m.

21 ---Upon resuming at 1:30 p.m.

22 THE CHAIRMAN: Thank you. Be seated,
23 please.

24 MS. SWENARCHUK: The next questions are
25 for Mr. Kennedy.

1 Q. Mr. Kennedy, with respect to the
2 forest ecosystem classification systems and soils
3 inventories could we just do a summary picture for the
4 Board.

5 Would you agree with me that there have
6 been different types of land and soils surveys
7 undertaken in the various regions of Ontario?

8 MR. KENNEDY: A. Yes, I would.

9 Q. And we have forest ecosystem
10 classification systems for northern region clay belt,
11 northcentral region, and just begun in northwestern
12 region; is that right?

13 A. Just to clarify, the northcentral and
14 northwestern one is a combined project and it is about
15 to released in that regard, yes, just begun.

16 Q. Are you saying it is just about
17 completed?

18 A. Yes.

19 Q. Okay. And then we have the forest
20 land productivity survey which I am going to call FLAPS
21 in the northeastern region?

22 A. Correct.

23 Q. As well as the prime site management
24 strategy which I will call PRSMA also in the
25 northeastern region?

1 A. Correct.

2 Q. And these two programs are concerned
3 with soils inventories and they are forest yield
4 surveys. First of all, they are concerned with soil
5 inventories; is that correct?

6 A. The latter two you referred to.

7 Q. Yes.

8 A. Yes.

9 Q. And then we also have in northern
10 region something called prime plan?

11 A. Yes.

12 Q. And in eastern region something
13 called soil survey or something that is a soil survey?

14 A. Which we refer to as the FLAPS. The
15 soil survey is done under the FLAPS program.

16 Q. In eastern region as well?

17 A. Oh, I beg your pardon. Eastern
18 region. Yes, my understanding is that there is soil
19 surveys done in the eastern region. I would have to
20 refer to the catalogue to be specific.

21 Q. Okay. Now, with regard to the forest
22 ecosystem classification systems, would you agree that
23 the purpose of the FECs was to develop what is called
24 operational groups which we could describe as a
25 landscape segment with mature forest which has an

1 identified range of vegetation and soil conditions and
2 probable responses to specific management
3 prescriptions?

4 A. That is the definition of the
5 operational groups that is given in the clay belt
6 forest ecosystem classification, yes.

7 Q. Okay. We will speak about clay belt
8 for a moment. So what we are really talking about here
9 is a kind of standardized identification to assure a
10 predictable response to given management prescriptions?

11 A. I don't think I would word it quite
12 like that. It is a classification system that identify
13 various site types, the operational groups, then assist
14 the forester when they are developing silvicultural
15 prescriptions, yes.

16 Q. Yes. And it assists the forester by
17 presumably indicating to the forester in advance how a
18 particular kind of site is going to respond to a given
19 management prescription?

20 A. I wouldn't go that far, no. I would
21 say assisting the forester by providing an indication
22 of the soil types that are likely to be encountered
23 underneath those conditions. And then with the basis
24 of experience and that the forester, based with those
25 various soil types, it will assist him in making the

1 predictions of the treatments that are suitable.

2 Q. Well, I think you've just said
3 essentially what I have said. But basically, Mr.
4 Kennedy, to assist the Board, isn't the purpose of
5 forest ecosystem classification to identify sites so
6 that a forester, in working with those sites, can
7 assume that given types of sites will respond rather
8 similarly to given prescriptions?

9 A. Yes.

10 Q. And one of the forest management
11 initiatives that we could expect might be undertaken is
12 regeneration initiatives?

13 A. Yes.

14 Q. Now, would you agree that
15 regeneration success is related to, amongst other
16 factors, site productivity?

17 A. Generally, yes.

18 Q. And with regard to the northern clay
19 belt forest ecosystem classification, could we talk
20 about the term site index.

21 Would you agree that, again trying to put
22 this term into layman's language, a site index is the
23 relationship of height to age of the trees at a
24 specified age?

25 A. That would be an index, yes.

1 Q. And would you agree that the northern
2 clay belt forest ecosystem classification did not
3 succeed in identifying the most productive sites?

4 A. I would say that the classification
5 system did not set out to do that in the beginning, nor
6 in its design.

7 Q. Would you agree that initially what
8 was discovered was that there was a low correlation
9 between the site indices and the operational groups in
10 that classification system?

11 A. Perhaps you could direct me to where
12 you are drawing that. I am not aware of where site
13 indices and the operational groups are compared in the
14 guide itself.

15 Q. No, not in the guide. I am referring
16 you now then to Mr. Carmine's paper?

17 A. Is this one of those that you made
18 available last night?

19 Q. That's right. This is Forest Site
20 Quality Research in the Northcentral Region. We have
21 two Carmine papers, this is 1985.

22 THE CHAIRMAN: Exhibit 354.

23 MS. SWENARCHUK: Can I just indicate to
24 the Board that in this exhibit there are actually two
25 scientific papers, they can be stapled together.

1 THE CHAIRMAN: Do you want them both put
2 together with the same number?

3 MS. SWENARCHUK: They can both have the
4 same number, I will be referring to both.

5 THE CHAIRMAN: All right. Exhibit 354.

6 ---EXHIBIT NO. 354: Forest Site Quality Research in
7 the Northcentral Region by
Carmine, 1985.

8 MS. SWENARCHUK: Q. Now, Mr. Kennedy,
9 looking at page -- what is numbered here as page 65 of
10 the first article of the two, in the first paragraph:

11 "Figure 2 illustrates the very wide range
12 of black spruce site index found within
13 each OG. Only in a few cases was there
14 any significant difference in site
15 index between OGs. Therefore, this study
16 indicates that as defined at
17 present the FEC OG for the clay belt
18 area is not dependable for estimating
19 site indices of black spruce and jack
20 pine."

21 A. Yes, I see where it says that.

22 Q. Do you have any basis for disagreeing
23 with that statement?

24 A. I am a bit confused why the student
25 would draw that conclusion, reviewing the document last

1 night.

2 Q. This student is Mr. Carmine,
3 Professor of School of Forestry at Lakehead?

4 A. And I understand that he is making
5 reference to Edmonds paper, 1985, which is first
6 mentioned on page 84 -- sorry, page 64.

7 Q. Right.

8 A. In the second column -- I'm sorry,
9 the right-hand column second paragraph. What confused
10 me was this student making those observations is that
11 on page 64, that second paragraph, it is indicated that
12 the study area which was used to derive the information
13 was not an area adjacent to or near the clay belt where
14 the FEC operating groups, the forest ecosystem
15 classification operating groups were assigned and then
16 the further site index work was carried out.

17 So I find it a bit confusing that what
18 has happened is that the student has applied the
19 ecosystem classification outside of the area that was
20 intended to -- it was intended for its application.

21 And I just remind the Board that I have
22 made reference to page 1 which showed the area of the
23 clay belt within the exhibit, the number of which
24 unfortunately escapes me at the moment, the forest
25 ecosystem classification. So I would not -- at a very

1 crucial level I would not pay a lot of the attention to
2 the results that this individual has found relating --

3 Q. You are assuming then that the plots
4 that he studied differ substantially from those within
5 the clay belt area, simply because they are adjacent
6 rather than directly inside it?

7 Is that the basis of your disagreement?

8 A. That's one of the first basis. I
9 would be suspicious of the information when the area
10 that the sample is done on is outside of the clay belt
11 and that the guide in the author's views is to be
12 applied only within the clay belt. So it would make me
13 suspicious in the beginning, yes.

14 Q. Are you speaking on the basis of
15 knowledge that the sites identified differ
16 substantially from clay belt sites. You don't have
17 that knowledge?

18 A. I do not have that knowledge. I did
19 not take the opportunity to arrange to get a copy of
20 the paper by Edmonds and verify where the locations
21 were that he had done the survey on.

22 But I am indicating that I would be
23 reluctant to proceed much further with that information
24 on that basis.

25 Q. Yes. Mr. Kennedy, I am not asking

1 you about locations. The locations are, undoubtedly,
2 as you indicated in reading that paragraph. What I am
3 saying is: Do you assume that an area outside of the
4 clay belt region would not have similar sites to those
5 within the region for which the FEC was developed?

6 A. I would say that it would be
7 untested, the considerable amount of research work that
8 went into developing the forest ecosystem
9 classification for the clay belt as a of the author's
10 cautioning that it be applied within that area only.

11 Q. And it couldn't be applied even to an
12 area near the clay belt?

13 A. I would suggest not.

14 Q. Okay. Let's move on then. I think
15 you said in your testimony that later FECs did attempt
16 to include productivity data?

17 A. I don't recall saying that.

18 Q. Well, I will put it to you: Is that
19 the case?

20 A. Could you reword that again, or
21 repeat the question, please?

22 Q. Is it your information that -- well,
23 you have indicated and you agreed that the clay belt
24 study was the first FEC done in the province.

25 A. The first classification system done

1 in the province, yes.

2 Q. And that several have been done
3 since. We dealt with that earlier; right?

4 A. I would say there has been work
5 performed on two classifications are being merged into
6 one, yes, that being --

7 Q. Northcentral and northwestern?

8 A. That's correct.

9 Q. Yes. Now, Mr. Carmine himself
10 indicates that on page 65 again, the first paragraph,
11 the top of the second column that:

12 "The FEC program is still evolving and
13 the earlier methods and objectives used
14 in the clay belt area are not the same
15 as those now used for Thunder Bay and
16 Kenora areas. Productivity is now
17 considered the major objective for the
18 FEC program in the Thunder Bay area."

19 Do you agree with that statement?

20 A. I can't say that I am familiar with
21 the development of the guide in particular.

22 Q. Fine.

23 A. I really wouldn't be in a position to
24 comment on that.

25 Q. Okay. So you are not familiar with

1 the subsequent FECs; is that right?

2 A. I say I am not familiar with the
3 construction of the guides, no. The part that I am
4 familiar with is the application of the information
5 once it has been collected , but the design of the
6 guides and the research work that has led up to it
7 involves a team of individuals that includes a
8 mensurationist, soil scientist, ecologists and of those
9 I am not, but I can advise on its application once the
10 information is prepared.

11 Q. Fine. Let's turn our attention for a
12 moment to the FLAPS study. Would you agree that this
13 is focused on land form identification as opposed to a
14 larger vegetation?

15 A. Certainly the FLAPS soils survey at
16 the scale of 1:50,000 has the basis of land forms that
17 were determined through use of aerial photographs, yes.

18 Q. Specifically, the objectives of the
19 survey were to map out the various surficial
20 depositions or land forms, describe their key
21 constituent soil and terrain components and evaluate,
22 in terms of forest growth and yield the potential of
23 the lands for forest management?

24 A. Yes.

25 Q. So this is a different kind of study

1 than the FECs?

2 A. Yes, entirely. The forest ecosystem
3 classification is a system that is to be applied at the
4 time an individual is standing in the field and allows
5 him to identify the soil features that are present
6 underneath him, whereas the FLAPS information, the
7 forest land and productivity survey is an inventory
8 system that will -- that is able then to inventory the
9 soil conditions that are existing in the area of the
10 inventory.

11 Q. Now, would you agree that the
12 original goal of these studies which had to do with
13 identification of prime sites for concentrated
14 management attention, has still not been reliably
15 achieved?

16 A. When you say these surveys, what
17 specifically are you referring to?

18 Q. The FECs particularly.

19 A. I would say that the FECs did not
20 have that as its goal to identify lands of the type in
21 the phrase that you used.

22 Q. And how would characterize the goal?

23 A. I would say that the goal was to
24 identify -- was to provide a practical guide for
25 foresters to identify soil types for the variety of

1 vegetation groups that are out there.

2 Q. And what was the forester then to do
3 with the soil types that he had identified?

4 A. Then assist them in a variety of
5 things such as during planning and developing
6 prescriptions to match the soil conditions that are
7 there, consisting such items as road planning in some
8 ways and types of construction practices that would be
9 used in the various soils, items of that nature,
10 operational items.

11 Q. Are you suggesting that there is no
12 connection in these studies to a desire to identify the
13 most productive sites of the province?

14 A. I would say that there is no
15 connection to identifying the most desirable sites
16 within the clay belt, that's correct.

17 Q. Within the clay belt agreed, but what
18 about the other FECs?

19 A. What about the other FECs?
20 Similarly, no. It is not a process of identifying
21 sites, it is a process of identifying them when you are
22 there at the time. Again, as such, it is not an
23 inventory, it is a system to be applied.

24 Q. I quite agree that it is not an
25 inventory. Is it not an attempt to arrive at a certain

1 number of indicators which will then tell you which
2 sites will be the most productive sites, which types of
3 sites in the future will be the most productive sites?

4 A. No, it is not.

5 THE CHAIRMAN: Mr. Kennedy, going back to
6 an earlier question. Are you saying, in effect, that
7 although the forester has the classification system to
8 help him in assessing various prescriptions or helping
9 him to address where there are problems that he might
10 encounter in terms of management, that it is really
11 still, to a large extent, based on that forester's
12 experience as to how they will be applied as opposed to
13 providing some kind of guideline as to how they should
14 be applied?

15 MR. KENNEDY: That's correct. It is very
16 much left up to the experience of the forester, once
17 they have identified the conditions that are likely to
18 exist on the area.

19 THE CHAIRMAN: And to deal with them on
20 the basis jof experience and other factors as opposed
21 to looking upon them as, because it has been identified
22 as a certain class, then certain prescriptions follow?

23 MR. KENNEDY: That's correct. In the
24 guide being used in the clay belt, as the example, you
25 will see that on page 21 where I was referring to which

1 gives the description of the operational group, it is
2 giving an indication of the vegetation types and soil
3 information that can be found there.

4 Nor in the guide do we find, if you will,
5 generic prescriptions that would be applied to that
6 operational group.

7 THE CHAIRMAN: And can you find, in terms
8 of actual management experience, the same operational
9 group present, but very different prescriptions apply,
10 with respect to the same generic type of problem, in
11 order to illustrate what you are saying?

12 MR. KENNEDY: I would expect to see some
13 similarity between the prescriptions that would be
14 developed for all of those sites that fall within one
15 operational group, but I would also expect to see some
16 variations in it.

17 THE CHAIRMAN: Based on the forester's
18 experience?

19 MR. KENNEDY: Based on the forester's
20 experience, applying it in different areas of the clay
21 belt, yes.

22 THE CHAIRMAN: Okay.

23 MR. KENNEDY: I might add that I would
24 expect to see that variation show up in the
25 silvicultural ground rules within each of the

1 individual timber management plans.

2 MS. SWENARCHUK: Q. Mr. Kennedy, would
3 it be fair to say that you personally don't have much
4 experience in the studies that have occurred outside of
5 the clay belt region?

6 MR. KENNEDY: A. Yes, that's fair to
7 say. In fact, if I might add, it is also fair to say
8 that I have no experience with applying the clay belt,
9 no personal experience.

10 Q. All right. So there will be evidence
11 at some time later in these hearings with regard to the
12 purposes and achievements of the various FECS, FLAPS,
13 PRSMA et cetera, and would it be fair to say that you
14 are not in a position at this time to comment on the
15 objectives or the degrees of success of those various
16 systems?

17 A. I am not sure what you mean by
18 achievements. Perhaps you should be more specific.

19 Q. Well, let's say the degree to which
20 the study has achieved the objectives that they were
21 designed to achieve.

22 A. Well, I think that I don't believe
23 there will be further evidence called, no.

24 Q. Well, there will be, from parties
25 other than the Ministry.

1 A. I see, okay.

2 Q. And I merely want to make your--

3 A. I wasn't aware of that.

4 Q. --experience clear, you are not
5 personally in a position to comment further on these
6 studies; is that correct?

7 A. I can't comment from personal
8 experience on the application. I can advise on the --
9 how a forester would use the information.

10 Q. Fine, but you can't comment on the
11 research scheme, for example, by which the various
12 systems were devised?

13 A. That is certainly correct, that I am
14 not in a position to comment on the construction of the
15 guides themselves.

16 Q. Now, would you agree that these
17 studies have been commenced at various times and some
18 of them are not fully operational yet?

19 A. Yes.

20 Q. So to a great extent they represent
21 future information possibilities rather than present
22 information?

23 A. If you are referring to the forest
24 ecosystem classification, I would say to greater or
25 lesser extent, yes, and that the clay belt has been

1 operational since '83.

2 Q. The others are merely --

3 A. The northcentral and northwestearn
4 draft has been out and is due to be combined and
5 released again in '89.

6 Q. And, for example, the PRSMA outgrowth
7 of FLAPS is still in the process as well; is it not?

8 A. I hesitate there because PRSMA is
9 really a concept of doing management. PRSMA stands for
10 prime site management and it is my view that prime site
11 management simply put would be directing forest
12 investments and that, in fact, that is something that
13 foresters have been doing for years.

14 Q. But the particular program entitled
15 PRSMA is still currently being, shall we say, further
16 developed?

17 A. I would say the offshoots from the
18 FLAPS information is still being used in development
19 work, yes.

20 Q. Yes. Now, just one last question.
21 Do you agree that the forest ecosystem classifications
22 apply only to undisturbed sites not to cut-overs or
23 regenerating sites, or are you in a position to answer
24 that?

25 A. Yes, that is the case. I believe

1 there is a caution in the guide that the information
2 that was used in the construction of the guide is from
3 undisturbed mature and semi-mature stands.

4 Q. Those are all my questions on that
5 issue you.

6 Perhaps just one last one, Mr. Kennedy.
7 Can you enumerate for us exactly what your personal
8 knowledge and experience is in relation to the various
9 databases that I have been discussing, the FECS, FLAPS,
10 PRSMA, the prime land inventory?

11 How many of those have you had personal
12 experience in working with?

13 A. Virtually no on-the-ground field
14 experience with each of those. The exception would be
15 with the FECS information, assisting us in the very
16 preliminary information and its design in the
17 northwestern region and from a field forester's point
18 of view.

19 Q. Thank you.

20 MS. SWENARCHUK: My next questions then
21 are for Mr. McNicol and I have been discussing with the
22 Ministry provision of copies of the Thunder Bay
23 District Land Use Guidelines. They have had some --
24 there has been some difficulty getting enough copies.

25 Can you just tell me where that is at,

1 Mr. Freidin?

2 MR. FREIDIN: I have given Mr. Huff, he
3 has copies of the excerpts.

4 MS. SWENARCHUK: Q. Now, Mr. McNicol,
5 would you agree with me that there is no province-wide
6 wildlife policy in Ontario?

7 MR. McNICOL: A. Correct.

8 Q. And as a corollary of that, there is
9 no provincial non-game wildlife policy in Ontario?

10 A. That's correct.

11 Q. Now, in your view, what policy
12 directs you in your management of wildlife?

13 A. We do have policy direction vis-a-vis
14 moose. That policy direction, albeit not a formal
15 policy document, if you will, is evidenced through the
16 direction which is the intent of policy, the direction
17 that is given through SLUP and DLUG documents with
18 regard to what we will do with regard to moose.

19 Q. So I take it then there isn't a
20 separate document which constitutes moose policy, but
21 basically the policy that directs you is the statement
22 in the District Land Use Guidelines and Strategic Land
23 Use Plans with regard to moose; is that correct?

24 A. That's correct.

25 Q. Okay. Now, you are the district

1 wildlife biologist; is that right?

2 A. That's correct.

3 Q. And could you tell us what are the
4 objectives of the program that you administer?

5 A. The objective of a wildlife biologist
6 is to execute the wildlife program, if you will, as
7 defined by various documents and policy directives in
8 Thunder Bay District or whatever particular district
9 that biologist happens to be working in.

10 Q. Okay. And what are the documents
11 that define those objectives? Is there anything in
12 addition to the Land Use Guidelines and Strategic Land
13 Use Plans?

14 A. I think, as I have stated in previous
15 evidence, we do have policy directives, for instance,
16 concerning wildlife information for use in timber
17 management planning.

18 Q. Mm-hmm.

19 A. We have, as I stated previously, a
20 Moose Habitat Policy. These documents provide
21 direction. We also have the Endangered Species Act
22 which has been spoken to and there we have a
23 responsibility for endangered species.

24 In the wildlife information for use in
25 timber management planning, not only are we responsible

1 for endangered species but also the habitats of
2 threatened species as identified in Ontario's list.

3 So there are various directives that we
4 work under to implement the wildlife program.

5 Q. And are there any others in addition
6 to the ones you have now enumerated or is that it for
7 the objectives of the wildlife program?

8 A. We have, as I have indicated in
9 previous evidence this morning, targets for other
10 wildlife species other than moose. Again, this becomes
11 direction. It is not a stated policy, but it does give
12 us direction in terms of those particular species.

13 Q. And are these the targets again that
14 are in the Land Use Guidelines?

15 A. They are.

16 Q. Are there any other targets for other
17 species other than those enumerated in the Land Use
18 Guidelines to which you are working?

19 A. No. No numerical targets with call
20 dates, no.

21 Q. Some other kind of targets then?

22 A. Well, again, if I go back to the
23 Endangered Species Act, you could say it is a target of
24 a wildlife biologist to ensure that the habitat of
25 endangered species or endangered species in themselves

1 do not come under risk of harm.

2 Q. That is a different use of the word
3 target than it's used in the Land Use Guidelines.

4 A. That is correct, that is why I
5 specified numerical target with a call date there is a
6 difference obviously.

7 Q. Okay. So you would agree then that
8 the policy that directs you for game animals is that
9 found in the targets in the Land Use Guidelines and
10 plans?

11 A. For furbearers, for deer, for bear,
12 for moose.

13 Q. Mm-hmm.

14 A. Yes.

15 Q. Okay. Now, if I could refer you for
16 a moment to - again, the Board won't have this, but it
17 won't take a moment - the Fort Frances District Land
18 Use Guidelines and the Dryden Land Use Guidelines which
19 are Exhibit 44 and 47.

20 MR. COSMAN: I think, Mr. Chairman, I
21 asked my friend and she said that -- we sent somebody
22 upstairs, we didn't know in advance, we brought down
23 Thunder Bay and now she is referring to others.

24 It would be helpful to the process if she
25 would let counsel know what she is going to be

1 referring to so we could have them here.

2 MS. SWENARCHUK: My apologies, Mr.
3 Cosman, I forgot about this one.

4 THE CHAIRMAN: Okay. I think in the
5 future it is helpful to both the Board and counsel if
6 reference is going to be made to previously exhibited
7 documents that--

8 MS. SWENARCHUK: Yes.

9 THE CHAIRMAN: --we either be advised of
10 it, excerpts be provided or the actual document number
11 given to the parties in advance so that we can obtain
12 them prior to the questions being asked.

13 MS. SWENARCHUK: If I can just have a
14 moment, I may be able to do this without those
15 documents.

16 MR. FREIDIN: Those are all the copies we
17 have here.

18 MS. SWENARCHUK: I will simply refer to
19 Exhibit 47 which is the Fort Frances District Land Use
20 Guidelines.

21 Q. And I am looking at page 33 of that
22 document, Mr. McNicol.

23 MR. McNICOL: A. I have it.

24 Q. And I want to ask you about one
25 sentence in this document:

1 "The potential harvest of moose was
2 determined by computer modeling and is
3 estimated to approach 18 per cent of the
4 population providing that the provincial
5 moose management policy is implemented in
6 its entirety."

7 Now, could you explain for us what is the
8 provincial moose management policy?

9 MR. McNICOL: A. I believe it is the
10 direction that has been stated for moose management
11 with regard to SLUP and DLUG.

12 I am not intimately familiar with the
13 wording of the particular policy, but I know as part of
14 its numerical target, it dealt with a doubling of the
15 provincial moose herd by the year 2000 which would take
16 us from 80,000 moose to 160,000 moose and it was that
17 number that was translated then in SLUP and thence into
18 DLUG, into the various district components necessary
19 for districts to achieve -- to meet that overall
20 provincial target.

21 Q. Right. So that policy then is still
22 in effect; is it?

23 A. To the best of my knowledge.

24 MS. SWENARCHUK: Mr. Freidin, could we
25 have a copy of that if it still exists in written form?

1 THE CHAIRMAN: Is that by the year 2000?

2 MR. McNICOL: Yes.

3 MR. FREIDIN: We can produce it and I
4 will also have a look and see whether it has already
5 been produced as an exhibit.

6 THE CHAIRMAN: Thank you.

7 MS. SWENARCHUK: Q. Now, at page 235 of
8 the District Land Use Guidelines for Thunder Bay, Mr.
9 McNicol ---

10 MR. McNICOL: A. I am sorry, did you say
11 235?

12 Q. I am sorry, at page 35.

13 MS. SWENARCHUK: Mr. Chairman, the
14 Ministry did not have sufficient copies, so we have
15 excerpts. Did I hand these out?

16 THE CHAIRMAN: I do not think we got it.

17 MS. SWENARCHUK: (handed)

18 THE CHAIRMAN: We will mark this excerpt
19 as Exhibit 355.

20 ---EXHIBIT NO. 355: Excerpt of Thunder Bay District
21 Land Use Guidelines.

22 THE CHAIRMAN: And what is this an
23 excerpt of again?

24 MS. SWENARCHUK: From the Thunder Bay
25 District Land Use Guidelines.

1 Q. Now, at the bottom of the page, Mr.
2 McNicol, we see the moose production target and 9,860
3 animals from which an annual harvest of 1700 moose can
4 be realized; is that correct?

5 MR. McNICOL: A. Yes.

6 Q. Now, what in your view is the
7 biological rationale for the number chosen?

8 A. When the overall provincial target
9 was first determined, a doubling of the moose
10 population by the year 2000, what we were looking at
11 was the potential of the broad land base in Ontario to
12 produce more moose.

13 I guess the simple way of putting it
14 would be: If we were to institute -- one of our
15 problems was harvest control at that point in time - a
16 problem that has been dealt with through the selective
17 harvest system - but the question was: Given that you
18 are able to control harvest, do you have sufficient
19 habitat to hold an increase in moose levels of that
20 magnitude?

21 We looked at examples where we had
22 disturbance but no hunting in various locations across
23 Ontario: Quetico Park, the Chapleau Crown Game
24 Preserve, to get an estimate of what natural carrying
25 capacity was in those situations where hunting as a

1 variable had been taken out of the scheme of things.

2 What we saw from that was that the
3 habitat that is available across much of northern
4 Ontario was capable of holding more moose than it
5 currently was holding.

6 In other words, hunting pressure was
7 depressing the population below its carrying capacity.

8 Q. And...

9 A. Following -- okay.

10 Q. Go ahead.

11 A. Following from that, when the
12 portions of the overall provincial target were ascribed
13 to different districts, there was an assessment made at
14 the district level, the capability of the land base to
15 produce moose in that particular locale and a number
16 was determined, a density figure, if you will, on a per
17 square kilometre basis that, in the estimation of the
18 professionals, was a number that was capable of being
19 achieved on that land base in that particular district.

20 Q. Were you involved in the studies for
21 the Thunder Bay District?

22 A. The studies?

23 Q. The process by which the target was
24 set at the Thunder Bay District?

25 A. No, I was not. That was just a

1 little bit prior to my time.

2 Q. Fine..

3 A. But, to follow through with that,
4 given a density that was to be achieved on that
5 particular land base, then through straight
6 extrapolation of whatever moose range you had, times
7 that density, it would give you a number for the
8 district in terms of a population base from whence you
9 would take your harvest target.

10 Q. And how close are you to achieving
11 the target for the year 2000 at this point in Thunder
12 Bay District?

13 Let me put the question this way: Has
14 the moose population increased in Thunder Bay District
15 since the Land Use Guidelines?

16 A. It has.

17 Q. By what proportion?

18 A. The way we determine how we are
19 doing, obviously, is to do winter aerial population
20 surveys.

21 In the three wildlife management units
22 which form the bulk of our district, in wildlife 11B we
23 have evidenced about a 15 to 20 per cent increase as of
24 the last survey which was two years ago.

25 I will caution you with that survey, it

1 was a fixed wing survey and I don't want to get into
2 the technicalities in the differences in the survey,
3 but it is not as good a survey, if you will, as a
4 helicopter survey for determining populations.

5 But in wildlife management unit 13, our
6 most heavily hunted wildlife management unit which
7 again is right in the Thunder Bay area, last year we
8 did a helicopter survey of that unit and we, with the
9 results of that survey, realized an increase of about
10 40 per cent in the population, since the last good
11 helicopter survey which was 1982-83. So that was over
12 a five-year period.

13 Q. Okay. Now, from your resume and your
14 studies and your publications and work experience, I
15 would describe you as an expert on moose and moose
16 habitat.

17 You stated earlier in testimony that you
18 spend about 30 per cent of your time involved with
19 timber management planning.

20 Could you estimate for us about what
21 percentage of your time you spend on moose management?

22 A. If you are indicating that those two
23 areas are divorced--

24 Q. Not necessarily.

25 A. --I would hasten to add that, in my

1 opening remarks, I indicated that we, biologists that
2 are inputting into the timber management planning
3 process, it should not be construed that we are doing
4 this in a reactive manner.

5 In the case of moose, and many other
6 wildlife species --

7 Q. I am not suggesting that they are
8 separate, I am suggesting of all the elements of the
9 wildlife program which you administer as a wildlife
10 biologist, can you give us an estimation of how much of
11 your time is involved with the management of moose,
12 whether through timber management planning or any other
13 technique?

14 A. I would suggest that probably about
15 60 to 70 per cent of my time is spent on them.

16 Q. And what percentage of your time
17 could you estimate would be concerned with management
18 of osprey, eagles and heron?

19 A. Given that in our day-to-day work at
20 the office, especially during the summertime, we are
21 taking a lot of incidental information both from our
22 own staff and from members of the public with regard to
23 sightings of these species, and given the fact we spend
24 all summer - and I am speaking now of the months
25 primarily of June and July and a portion of August -

1 doing summer aquatic surveys with helicopter, at which
2 time we confirm many of these sightings, if there is a
3 nest site there to confirm or discover other locations
4 that we were unaware of.

5 In that context, it is kind of difficult
6 to split the time out because we are not...

7 Q. Presumably those surveys also include
8 surveying moose habitat, aquatic habitat?

9 A. Yes, yes, and that is the primary
10 function of them, is to look at potential aquatic
11 feeding sites and also, of course, waterfowl rearing
12 areas, breeding areas, other things that you would
13 normally come in contact with through the course of
14 those surveys.

15 And the other thing that you are looking
16 for are the nesting sites approximate to water bodies
17 which you are are flying anyway eagle, heron, osprey t.

18 To get you -- I haven't answered your
19 question. I am trying to, I guess, point out the
20 difficulty in trying to tease out how much time
21 specifically would be spent in that regard.

22 Q. Well, could you tease out the time
23 spent on other non-game species other than the three
24 birds that I just mentioned?

25 A. That is easier. With regard to the

1 non-game program - and I will put that in quotes - in
2 Thunder Bay District, we have through CWIP, the
3 Community Wildlife Involvement Program a very active
4 naturalist club in Thunder Bay.

5 They have been, for the last two years,
6 constructing and erecting 800 blue bird nesting boxes.
7 Our part in that has been to supply logistical support
8 and also to provide a workshop, just last year,
9 instructing individuals about habitat requirements of
10 blue birds.

11 Much of this knowledge was already there,
12 but many of these blue bird boxes found themselves in
13 the hands of individuals that really didn't understand
14 how they should be placed to maximize their utility.

15 So we had a workshop, very well attended,
16 about 300 people, who took away with them some new nest
17 boxes and also had a better understanding of where
18 these boxes should be placed to maximize utility.

19 THE CHAIRMAN: Are these similar to the
20 blue boxes that are getting distributed around Toronto
21 these days?

22 MR. McNICOL: My understanding is no.

23 MS. SWENARCHUK: No, no, no, Mr.
24 Chairman, wrong case.

25 THE CHAIRMAN: Wrong case.

1 MR. McNICOL: We are also actively
2 involved with the Naturalist Club here in Thunder Bay
3 currently discussing the reintroduction of peregrin
4 falcon into the Thunder Bay area.

5 We have some excellent potential habitat
6 here for peregrin falcon, especially when you consider
7 that they have been successfully released in downtown
8 Toronto.

9 MS. SWENARCHUK: Q. Yes.

10 A. So I guess what I am saying is that
11 we do have a non-game program, if you will. A lot of
12 it takes place day-to-day. I can't tell you how many
13 birds, personally I have taken home and tried to nurse
14 back to health.

15 And I am not saying that to -- we do have
16 a concern for non-game and that is the only point I
17 want to make, and we do spend time on non-game matters.

18 Q. But you are not really able to give
19 me an estimate of the percentage of your time -- work
20 time, I am not talking about --

21 A. Yes. Home time.

22 Q. --when you take the birds home, but
23 work time.

24 A. I would suspect that I would be
25 looking now at about 10 per cent of my time is an

1 estimate.

2 Q. Fine, okay. Now, returning to the
3 subject of databases. Are there programs at the
4 district, regional or provincial level to measure the
5 cumulative impacts of timber management planning on
6 wildlife across district and regional boundaries?

7 A. No.

8 Q. That is, within the area of the
9 undertaking, but the answer is no?

10 A. Correct.

11 Q. I take it then they don't exist for
12 moose or for non-game; is that right?

13 A. Could you just -- you may have
14 slipped one by me. Can you back up with your question.

15 Q. I am not trying to slip anything by
16 you. My question is: Are there programs at the
17 district, regional or provincial level to measure the
18 cumulative impacts of timber management planning on
19 wildlife across the area of the undertaking.

20 And then I am asking with regard to
21 moose, and then with regard to non-game?

22 A. If I understand your question then,
23 you are asking me if there is some means by which we
24 are monitoring wildlife, all boreal wildlife species in
25 the area of the undertaking vis-a-vis timber

1 management, to see if there is an impact?

2 Q. That's right.

3 A. My last answer was correct.

4 Q. Your answer is no. Fine.

5 Can you give us an indication of whether
6 data and, if so, what type of data exists at the
7 district level regarding the impacts of timber
8 management on various species?

9 A. In terms of direct studies that we
10 are conducting, I can point to really only one in
11 Thunder Bay District that has, as its purpose - as you
12 have stated - to look at an aspect of forest management
13 activity on wildlife populations and that is the
14 glycosate or herbicide study that was initiated three
15 years ago in Thunder Bay District.

16 It was to examine the potential impact of
17 a herbicide, glyphosate on small mammal and moose
18 populations on areas where it had been applied.

19 With regard to determining the
20 effectiveness of the Moose Habitat Management
21 Guidelines, we in Thunder Bay District have looked not,
22 I would indicate to you, in a rigorous manner, but we
23 have examined how effective our corridors or blocks
24 have been in terms of maintaining moose in areas where
25 we know they have existed prior to harvesting where we

1 have made a prescription to ensure the maintenance or
2 enhancement of that population.

3 These observations are not done, as I
4 have stated before, in a rigorous manner, they are done
5 in a casual manner.

6 In terms of looking at these sites
7 generally in conjunction with aerial population
8 surveys, we would be going from one plot to another, we
9 know we had a prescription here, we would go and take a
10 look at it, see what's happening on that particular
11 site then move on to the next plot.

12 So it's not done in a rigorous manner,
13 they are casual observations, if you will.

14 I will say that, in a provincial context,
15 there is a monitoring program that has been proposed to
16 look at the effectiveness of - and I think I have
17 spoken to this before - of fisheries, moose and tourism
18 guidelines and, of course, the effectiveness that will
19 be looked at is how well we have achieved the objective
20 for which they were designed.

21 Q. But you are saying that up to now
22 such monitoring programs have not existed?

23 A. In a rigorous manner, yes.

24 Q. Now, is there a report or was there a
25 report done with regard to the glyphosate study?

1 A. The results of the study were
2 presented at the most recent moose conference in
3 Winnipeg last spring. We have a draft copy of that
4 paper that has just been finished, this is for
5 publication in the proceedings of that conference.

6 So, yes, we do have an interim report.
7 It is not a final report, but an interim report.

8 MS. SWENARCHUK: Mr. Freidin, could we
9 have that draft report?

10 I don't expect to finish this afternoon,
11 Mr. Chairman.

12 THE CHAIRMAN: When do you expect to
13 finish?

14 MS. SWENARCHUK: Perhaps mid-morning
15 tomorrow.

16 THE CHAIRMAN: Mid-morning.

17 MS. SWENARCHUK: I don't expect it would
18 take all morning, but it looks as if I won't finish
19 this afternoon. I have one entire other area with the
20 witness.

21 THE CHAIRMAN: Well, what if we sat a
22 little bit longer today? See, what we are concerned
23 about, to some extent, is that we would like to finish
24 Mr. Williams and --

25 MS. SWENARCHUK: Perhaps we could defer

1 this decision. I'm looking at my watch, and assuming
2 now that I may not finish, but I am putting you on
3 notice, but I guess it is possible that I will finish.

4 THE CHAIRMAN: Okay. I think the Board
5 might be prepared to sit a little bit longer, if it
6 will assist you in finishing today, because in addition
7 to hearing from Mr. Williams tomorrow, we also want to
8 spend a little bit of time on Thursday dealing with the
9 matters we discussed earlier regarding the scoping of
10 the future witness statements to try and give counsel
11 some guidance so that you will have something to
12 consider over the weekend and be able to respond to
13 some of our suggestions next week before we rise.

14 But anyways, let's deal with that a
15 little bit later.

16 MR. FREIDIN: If I can deal with the
17 request of that nature, the report, we will produce it.

18 MS. SWENARCHUK: Thank you.

19 THE CHAIRMAN: Thank you. And, sorry,
20 what report was that you were going to produce?

21 MR. FREIDIN: Well, perhaps Mr. McNicol
22 can indicate what the report is.

23 MS. SWENARCHUK: On the glyphosate study.

24 THE CHAIRMAN: Sorry?

25 MS. SWENARCHUK: On the glyphosate study,

1 g-l-y-p-h-o-s-a-t-e.

2 THE CHAIRMAN: Thank you.

3 MR. FREIDIN: Mr. Chairman, are all
4 copies of the interrogatories and the answers thereto
5 filed in the reading room?

6 MS. SWENARCHUK: They are there, yes.

7 MR. FREIDIN: That's my understanding.

8 THE CHAIRMAN: I assume that they are.
9 They are not filed with the Board, as you know, until
10 they are formally introduced by counsel.

11 MR. FREIDIN: I am advised by Ms.
12 Blastorah that they are. Maybe a faster way to deal
13 with the moose policy matter, Ms. Swenarchuk.

14 As I understand, in response to the
15 Ministry of the Environment Interrogatory No. 5, Panel
16 No. 1, the moose policy was in fact provided as part of
17 that answer. So that we can get it afterwards, and if
18 we can't get it...

19 MS. SWENARCHUK: Thank you.

20 MR. McNICOL: Could I add just another
21 point with regard to your question about monitoring.

22 There is another COFRDA funded --

23 MS. SWENARCHUK: c-o-f-r-d-a.

24 MR. McNICOL: Don't ask me what it --

25 MS. SWENARCHUK: Canada/Ontario Forest

1 Research --

2 MR. McNICOL: Development Agreement.

3 MS. SWENARCHUK: Forest Research

4 Agreement perhaps.

5 MR. CLARK: Forest Resource Agreement..

6 MR. McNICOL: That's close enough.

7 MS. SWENARCHUK: Forest Resource

8 Agreement.

9 MR. McNICOL: COFRDA. The funding for
10 our glyphosate study is through that program. There is
11 also a similar program - you were asking about Thunder
12 Bay District - but there is also a similar program --
13 sorry that funding is being used to look at the
14 question of the effectiveness of the Moose Habitat
15 Management Guidelines in Dryden District -- sorry, for
16 the Frances, a similar study area flows over into
17 Dryden District.

18 What's happening there are a number of
19 moose have been radio collared and their activities in
20 an area which has been cut as per guidelines is being
21 looked at versus an area where it has not been cut
22 versus guidelines.

23 MS. SWENARCHUK: Q. And when do you
24 expect a report from that study?

25 MR. McNICOL: A. I think that study

1 terminates this year, if I am not mistaken. There was
2 a three-year agreement as was ours.

3 Q. I see. Now, would you agree with me
4 that you do not carry out surveys for other species
5 like the ones you have described with regard to moose?

6 A. Are you speaking of effectiveness
7 surveys or population surveys, or...

8 Q. Population surveys.

9 A. Certainly not as intensively or
10 extensively even as we do for moose. We do -- we can
11 do deer surveys in those districts where deer exist in
12 numbers. That does not happen to be the case in
13 Thunder Bay District. Caribou, and we have talked to
14 special surveys that are conducted for caribou in those
15 districts that have caribou.

16 Again, Thunder Bay does not have a
17 caribou population. We do a woodcock singing ground
18 survey every spring in Thunder Bay District on a couple
19 of roots.

20 You were looking quizzical.

21 Q. A woodcock...?

22 MR. McNICOL: A. Singing ground survey.

23 Q. Singing ground survey, sounds like
24 fun.

25 A. During the spring when woodcock want

1 to procreate, the male of the species goes through a
2 display on relatively open habitats and they have a
3 very distinctive song.

4 Q. Thank you, Mr. McNicol.

5 A. I was just getting to the good part.

6 THE CHAIRMAN: Let it not be said that we
7 do not listen to all evidence.

8 MR. FREIDIN: Do you still want part of
9 the re-examination.

10 MS. SWENARCHUK: Q. Now, I recognize
11 your theory by managing for moose you provide the
12 diversity which will support many other species and we
13 will be discussing that theory with Dr. Eiler in Panel
14 10.

15 But how can you assure the Board that
16 populations of other species are maintained if you
17 don't have population trend data for them?

18 MR. McNICHOL: A. It is a very good
19 point and I guess what I can fall back on is the theory
20 behind the featured species approach.

21 What we are attempting to do with
22 guidelines like the Deer Habitat Management Guidelines
23 and the Moose Habitat Management Guidelines is
24 replicate the kind of effects that would occur with
25 natural disturbance in the boreal forest. And the

1 natural disturbance that we are trying to replicate is
2 a medium intensity fire.

3 Now, if we are successful in replicating
4 that type of habitat- and you and I both know that we
5 are not exactly replicating fire - but in terms of
6 removing the mature canopy, leaving residual timber
7 within the area of disturbance we are, as much as man
8 is capable, replicating what nature does.

9 Q. You still can only answer though at
10 the level of theory; is that correct, you will not
11 have the evidence to substantiate your theory without
12 population information?

13 A. That is a very important concept and
14 I want to get this out.

15 Q. Would you just answer that question
16 first.

17 You can only answer it at the level of
18 theory. All right.

19 A. I think I am answering your question.
20 We have already spoken earlier about our incomplete
21 knowledge about many of the habitat requirements of
22 many of our boreal species.

23 Now, given that we don't have complete
24 knowledge of their requirements, the best we can do is
25 try to replicate what happens in nature to try to

1 ensure that as many of those species that have evolved
2 with that natural disturbance are protected through
3 that type of management strategy. So that's my point.

4 If we try to replicate the natural
5 disturbance, given our ignorance of the habitat
6 requirements of all of the boreal species out there,
7 hopefully by trying to replicate that, we will ensure
8 for the majority of the species that have evolved with
9 that disturbance pattern, we will be protecting that
10 species in the area of the undertaking.

11 Q. But you have no evidence to assure
12 that that is in fact what's happening?

13 A. In terms of numerical data --

14 . Q. Exactly.

15 A. --baseline information from 50 years
16 ago for all boreal species in the underdisturbed
17 forest, versus what we have today, no.

18 Q. Thank you. Now, you spoke also in
19 your direct evidence about managing the resources of
20 Ontario for the socio-economic benefits of Ontarians
21 and you spoke of the economic benefits of moose and of
22 the species that are trapped.

23 Do you consider that there are social
24 benefits other than the economic ones for which you are
25 obliged to manage wildlife?

1 A. Oh, obviously.

2 Q. And what are the social benefits in
3 your view?

4 A. Well, I don't want to wax
5 philosophical, but in terms of --

6 Q. Feel free. Clearly it is an
7 important question. Now, what are the social benefits,
8 in your view, for which you as a district wildlife
9 biologist are managing wildlife as opposed to the
10 economic ones?

11 A. I think one of the very real problems
12 we have as wildlife managers looking at our various
13 user groups and the non-consumptive and the consumptive
14 user groups is to try to -- let me go at it another
15 way.

16 I believe that we, as "civilized people"
17 are getting further and further away from recognition
18 that we are part of our environment. We can flick a
19 switch, we can turn up the heat, we can go to the
20 supermarket and buy our meat in nice cellophane
21 packages.

22 Our children more so I think than us, are
23 getting further and further removed from the knowledge
24 of the fact that they are part of a system that
25 produces all of what we have around us now.

1 As a biologist, one of my jobs hopefully
2 is to try to bring the message to school groups,
3 hunting groups, naturalists groups that we, you know,
4 ain't divorced from that environment that's out there,
5 it matters what happens to all of the species in the
6 boreal forest because therein is the thread that we are
7 all connected by, it is an environment that's common to
8 all of us.

9 So in terms of the social importance, I
10 think the better job we do in terms of trying to get
11 that message across through our various management
12 strategies, then we are doing a better job. I haven't
13 articulated that very well, but --

14 Q. That's well articulated. I would
15 characterize that as a philosophical social goal which
16 many people will agree with. Are there any other
17 social goals that you would care to reenumerate?

18 A. No,

19 Q. Or social benefits, that's...

20 A. Well, I go back to a survey that was
21 conducted over a number of years in Sibley Provincial
22 Park.

23 Sibley Provincial Park has within a lake
24 call Joe Boy Lake. Because of way that particular lake
25 was evolving, it was very attractive to moose feeding

1 on aquatics. It had the extra advantage of being very
2 close to the primary access route to Sibley.

3 A student by the name of Kobus undertook
4 a Masters thesis looking at the value of that
5 particular viewing resource in the park context in
6 terms of how people who had visited the park perceived
7 it and he did this by putting just a little box down by
8 the lakeshore with little cards that individuals that
9 went down to observe the moose -- there was a sign
10 indicate Joe Boy Lake, moose viewing opportunity.

11 They filled out all these cards and he
12 would analyse the results. He had been j people from
13 Florida and Tennessee and Alabama that never seen a
14 moose in the wild and the comments that he had were
15 just really incredible.

16 And people that had come all the way by
17 car from Florida would say that seeing moose feeding in
18 close proximity to them had been the highlight of their
19 trip. So there is an intangible in terms of a social
20 values that's difficult to nail down in dollars and
21 cents, but it is a very real value, a very real social
22 value and I guess by means of that example...

23 Q. Fine. So those are social values
24 that are important to you as a wildlife biologist?

25 A. They are important in terms of trying

1 to bring people closer to their natural heritage, I
2 guess, and closer to the realization that we are all
3 part of this environment that we live in.

4 Q. Okay. Now, I would like to turn to
5 witness statement for this panel. Page 226 of Volume
6 1, and it is the third paragraph on the page. And the
7 second sentence says:

8 "Recognition of the special value of
9 specific habitat or a high degree of
10 public use of an area can help determine
11 the priority for modifying timber
12 operations."

13 Now, is there a standard district
14 procedure to your knowledge for quantifying the degree
15 of public use of an area?

16 A. Other than what Mr. Pyzer has spoke
17 to this morning in terms of surveys in our provincial
18 parks, we do certainly carry out surveys in provincial
19 parks, but in the context in which you are asking the
20 question, formal surveys of all of our user groups on a
21 site-specific basis, no.

22 What we do have is a lot of observational
23 information from our conservation officers, from our
24 forest technicians, from our foresters, from our field
25 staff in general concerning the utilization of concern

1 water bodies, certain campgrounds.

2 So this is the kind of information that
3 we can bring to bear with regard to use for a specific
4 activity.

5 Q. Would you look now at page 308 of the
6 Volume. This is the Wildlife Information for use in
7 Timber Management Planning Policy.

8 A. I have it.
.

9 Q. The second paragraph indicates when
10 habitat data will be collected for endangered species,
11 moose and deer, and says that for other species it will
12 usually not be collected. Habitat data for specified
13 other species will be collected where deemed necessary.

14 Now, what in our view would constitute
15 necessary in that context? When would you consider it
16 necessary to accumulate habitat data on other species?

17 A. I think if you go to the last
18 sentence in that same policy you will see the:

19 "District manager will determine the
20 species for which population or habitat
21 data will be collected."

22 The decision-making process with regard
23 to what data is collected on what species is not
24 something that you can generalize about. I know, for
25 instance, we have spoken to the fact that Kenora

1 District does bald eagle surveys because of Dr. Greer's
2 participation. I know many districts that have
3 woodland caribou populations do woodland caribou
4 surveys. Other districts do not have caribou so they
5 do not do those types of surveys or bald eagles for
6 that matter.

7 So I guess what I am saying is that the
8 flexibility is here if -- in a particular district
9 where a species of interest exists the flexibility is
10 there to collect information for input into the forest
11 management planning process.

12 Q. Well, could we assume that if such an
13 issue arose in your district as the wildlife biologist
14 you would probably make a recommendation to your
15 district manager?

16 A. Yes.

17 Q. And have you, to this point, had the
18 occasion to recommend habitat studies for other
19 species?

20 A. Be careful with terminology. Habitat
21 study or are we speaking now of...

22 Q. Habitat data.

23 A. Okay. In terms of information for
24 the collection, or information for use in timber
25 management planning, yes. As a member on the Bright

1 Sands timber management planning team we had concern
2 over woodland caribou populations in the proposed area
3 of operations. We did not have good information
4 about -- they are very difficult to pin down in terms
5 of critical wintering habitat, and also the areas that
6 they rely on to do their calving.

7 Given that we had knowledge of their
8 existence, Ignace District who is the other district --
9 one of the three districts sort of involved in this
10 planning exercise. Ignace District, since this
11 particular area fell in their district boundaries,
12 undertook special surveys last winter and the winter
13 before to nail down, as much as possible, where the
14 concentration of caribou were within the planning area.
15 So that's an example of a species.

16 Q. Could you just tell us briefly: Are
17 there any other species -- I understand from your
18 resume that you have been involved in approximately
19 eight timber management plans?

20 A. Yes.

21 Q. And could you tell us whether there
22 are any other species that have been specifically dealt
23 with in timber management plans in your experience,
24 other than moose, deer, caribou?

25 A. Eagle.

1 Q. Eagle, osprey?

2 A. Heron, woodland caribou.

3 Q. Any others?

4 A. No. Oh, I will qualify that. We
5 have and do conduct beaver surveys. This is...

6 Q. Has that entered into any timber
7 management plans with which you have been involved?

8 A. The information that comes from those
9 surveys, again, it's regularly collected information
10 and that information can be brought to bear in the
11 timber management planning process when a particular
12 trapper brings a concern before us with regard to
13 cutting that is proposed on his particular trapline, if
14 he does.

15 Q. And my last question, now. Can you
16 tell us to what extent Ontario policies regarding rare,
17 threatened or endangered species impacts on timber
18 management planning in your experience?

19 A. How the the policy on threatened and
20 endangered species impact on forest management
21 planning?

22 Q. In your experience?

23 A. Well, suffice it to say, in my
24 experience I have only dealt with endangered species
25 and specifically the bald eagle.

1 Before we had provincially approved --
2 before we had a lot in the way of guidance as to how we
3 should be dealing with bald eagle, and before we had an
4 Endangered Species Act we were protecting these sites.
5 The information we were using came from recovery plans
6 in the United States with regard to how they were
7 protecting habitat in terms of forest management
8 activity.

9 Q. And these prescriptions went into the
10 plans?

11 A. That's correct, yes.

12 Q. Okay.

13 A. So they were site-specific where we
14 had a next site, the prescription was laid out, the
15 stands that were involved were detailed, there were
16 also temporal restrictions in terms of when operations
17 could take place in the proximity of these nesting
18 sites with regard to the breeding season.

19 And where that has taken place, where
20 those reserves have been put in place there has been no
21 problem in terms of compliance form the companies, we
22 get no arguments from them. We have not had necessity
23 of pointing out the fact that these are endangered
24 species and if you so choose to cut buffers, you will
25 be charged under the Act. That has not been necessary,

1 it is recognized as a resource of value and there has
2 been not a problem.

3 Q. Could you tell me what companies were
4 involved?

5 A. Abitibi.

6 Q. In what area?

7 A. Well, you are asking for my
8 experience, so it's the Thunder Bay area that I am
9 speaking of.

10 Q. Okay.

11 A. Abitibi, Great Lakes who are now
12 Canadian Pacific Forest Products, Buchanan Forest
13 Products, MacMillan Bloedel. Those are the major
14 number of DCLers, district cutting licence.

15 Q. District cutting licence. Thank you.

16 MS. SWENARCHUK: This might be an
17 appropriate time for a break, Mr. Chairman, and start
18 with the next witness after that.

19 THE CHAIRMAN: All right. 20 minutes.

20 ---Recess taken at 2:53 p.m.

21 ---Upon resuming at 3:30 p.m.

22 THE CHAIRMAN: Thank you, ladies and
23 gentlemen. Be seated, please.

24 Mr. Williams?

25 MR. WILLIAMS: Mr. Chairman, just before

1 Ms. Swenarchuk returns to continue with her
2 cross-examination, just two points, if I might, Mr.
3 Chairman.

4 Firstly, I would like to introduce to the
5 Board Mr. Chris Horwath, H-o-r-w-a-t-h, spelled
6 differently from the way it sounds. Mr. Horwath is the
7 fish and wildlife management specialist at the head
8 office of the Ontario Federation of Anglers & Hunters
9 and he is here in an assisting role through the balance
10 of the week.

11 To be of assistance to the Board, if I
12 can, Mr. Chairman, notwithstanding the effect of
13 cross-examination that I am hearing from Ms.
14 Swenarchuk, I think that, in all likelihood, we will be
15 on for the balance of tomorrow, with the possibility of
16 spilling over into the next day.

17 So I can't be any more precise than that,
18 but I saw somebody packing their bag earlier and I
19 don't know that that is a wise thing to do.

20 So we might --

21 THE CHAIRMAN: Well, I do not know who
22 was packing their bag, but it certainly was not the
23 Board.

24 MR. WILLIAMS: No, I know. Just a
25 facetious comment, Mr. Chairman.

1 THE CHAIRMAN: As we indicated, I am not
2 sure if you were in the room, Mr. Williams. We are
3 going to attempt to finish with Ms. Swenarchuk today.

4 MR. WILLIAMS: That's what I understand.

5 THE CHAIRMAN: So we are possibly sitting
6 a little bit later and we might be persuaded to start
7 at a reasonable hour tomorrow and sit a bit later
8 tomorrow, if there is a reasonable possibility of
9 finishing with you.

10 MR. WILLIAMS: I just won't know until
11 morning to give you a more accurate estimate, Mr.
12 Chairman, until we have assessed all of the evidence
13 that has gone on in cross including today.

14 THE CHAIRMAN: We can understand that,
15 but I think there is some advantage to everybody in the
16 in these situations of sitting longer, if necessary, in
17 order to finish off various aspects of the evidence.

18 As we progress through the rest of this
19 case, it is going to take--

20 MR. WILLIAMS: I understand.

21 THE CHAIRMAN: --an enormous amount of
22 time anyways and we would like to save whatever hours
23 we can, in terms of sitting time, if we can possibly do
24 it, and unfortunately this has been one of those weeks
25 where all of the evidence has not fallen into place to

1 the extent that we would have liked it to have.

2 For instance, yesterday we finished
3 somewhat earlier than we otherwise would have. Mr.
4 Campbell has expressed the concern that he cannot be
5 here -- or he cannot start his cross-examination
6 effectively until next week and we have to wait for Mr.
7 Hunter to return next week and we cannot just fill in
8 with other parties when somebody finishes.

9 We would like to try and prevent that as
10 much as possible in future, so that where something
11 ends a little earlier than anticipated, the next party,
12 or out of order, can continue so we can keep the flow
13 going.

14 But thanks very much for your comments
15 and we welcome the participation of Mr. Horwatch at
16 this time.

17 MR. HORWATH: Thank you, sir.

18 THE CHAIRMAN: Ms. Swenarchuk.

19 MS. SWENARCHUK: I think Ms. Blastorah
20 has some documents to file with you.

21 THE CHAIRMAN: Okay. One other thing. I
22 think we better mention it now because it has come up a
23 couple of times, the filing of documents.

24 We want to set up a more advantageous
25 system to the Board of filing multiple documents,

1 rather than the Board sitting here as they come in and
2 giving them exhibit numbers one by one, by doing some
3 prefiling in that regard.

4 What I would like parties to do when they
5 have those types of documents to be filed is to get
6 ahold of Mr. Mander in advance and file them with him,
7 he will affix the exhibit numbers to them, and they
8 will be presented to the Board the day of the sitting
9 when those come into play and we will read the exhibit
10 numbers into the record.

11 If, at that time, there is any question
12 as to their admissibility, then the Board will deal
13 with it when we get to that exhibit and any objections
14 in connection with that particular document. I think
15 that will save some time of actual hearing time when we
16 can better spend it listening to evidence.

17 MS. BLASTORAH: Mr. Chairman, I just have
18 some copies of exhibits that were marked yesterday.
19 Exhibits 342 to 348 which were various guidelines
20 referred to in the Simkin memo.

21 At that time I only had one copy for the
22 Board. I now have additional copies of all of those if
23 any of the parties would like them. They are in this
24 box, I will just put it at the back of the room.

25 THE CHAIRMAN: Okay, thank you.

1 MS. BLASTORAH: Thank you.

2 THE CHAIRMAN: Does anyone have any
3 problem with what I have just suggested in terms of
4 filing these bulk of exhibits. We do not have any
5 objections to filing exhibits one at a time as you are
6 presenting them, I am referring basically to a couple
7 of days ago when Ms. Blastorah filed about ten exhibits
8 in a row, that kind of thing. We can do it in bulk
9 ahead of the session.

10 MR. CAMPBELL: Mr. Chairman, one
11 alternative that you might consider - because sometimes
12 these things, I know, in the preparation of a case
13 sometimes come together at a fairly late stage and yet
14 you want to get them out and distributed to the
15 parties - is the practice which I know has been
16 followed in other hearings and has been simply to
17 prepare a typed list of the documents that are being
18 filed, the list goes in, is distributed and everybody
19 just writes the exhibit numbers down next to the
20 document and it is all done very quickly.

21 I don't know whether that is an
22 alternative you want to consider, but it gives some
23 flexibility when these collections of documents come
24 together at the last moment and takes virtually no
25 time.

1 THE CHAIRMAN: Well, I know that is the
2 practice of some other tribunals. I know that the
3 Energy Board, as an example, has an elaborate system of
4 prefiling exhibits and giving them various numbers.

5 Frankly, it has been my experience,
6 consulting with my colleagues on our Board, that we
7 like the exhibits to be all entered into our book as
8 the evidence is coming in, because it makes it a lot
9 easier for us, when we are writing our decision, to be
10 able to go back and refer to our notes which have the
11 exhibit numbers there as opposed to going to an
12 extraneous document and trying to piece the exhibits
13 together. That just happens to be our preference.

14 What I am suggesting with what I just
15 said was an easier way of not spending as much hearing
16 time taking in the exhibits but they would still be
17 available for us because I would quickly read them into
18 the record, we would not have to take up the hearing
19 time for the multiple exhibits.

20 I think we would prefer that, Mr.
21 Campbell, as opposed to what you are suggesting.

22 Okay. Ms. Swenarchuk, sorry to interrupt
23 you at that point.

24 MR. BEECHEY: Excuse me. Mr. Chairman, I
25 do know that you want to press on and I appreciate

1 that. I am just wondering if we had an opportunity
2 maybe to add a few comments to what Mr. McNicol had
3 said in closing his examination a few minutes ago.

4 Is there a chance for that?

5 THE CHAIRMAN: Well, I think we better
6 stick to this kind of format. When counsel is asking
7 you a question in cross-examination and, at that point
8 in time you have an opportunity to elaborate, when it
9 is directed to a particular party, a party or witness,
10 the witness answers, counsel who is asking the question
11 is satisfied I think, at that point in time, that is
12 sufficient.

13 If there is something you wish to add,
14 then that might be addressed in re-examination by your
15 own counsel if you feel it has not been covered
16 appropriately, but the cross-examination is really
17 often for the benefit of the counsel asking the
18 questions and if they are satisfied with the answer,
19 and the Board's has not interjected to require more
20 information itself, then that is probably sufficient.

21 MS. SWENARCHUK: Now, on the question of
22 filing documents, Mr. Chairman, I have four
23 interrogatories that I will be referring to. Two of
24 them I see have already been given exhibit numbers, but
25 they are staped together so I will give you the package

1 and we will just have to number the other two.

2 THE CHAIRMAN: Okay.

3 MS. SWENARCHUK: (handed)

4 THE CHAIRMAN: I take it that is
5 Questions 27 and 28 that have not yet been exhibited?

6 MS. SWENARCHUK: That's right. No, by my
7 reading it is Question No. 27 by the Ministry of
8 Environment and the Mosquin question I thought had been
9 given an exhibit number but I don't see it on my list.

10 So, MOE Question No. 6 is Exhibit 271.

11 MOE Question 28 is 277.

12 THE CHAIRMAN: Right.

13 MS. SWENARCHUK: And MOE 27 does not have
14 a number, nor does Mosquin No. 7.

15 THE CHAIRMAN: Okay. So MOE Question 27
16 will be exhibit 356.

17 ---EXHIBIT NO. 356: MOE Interrogatory Question No. 27.

18 THE CHAIRMAN: Mosquin Question No. 7
19 will be Exhibit 357.

20 ---EXHIBIT NO. 357: Mosquin Bio-Information Limited
21 Question No. 7.

22 MS. SWENARCHUK: Now, my remaining
23 questions - and I will revise my estimate, Mr.
24 Chairman, I think I can finish within an hour or so --

25 THE CHAIRMAN: Thank you.

1 MS. SWENARCHUK: -- are for Mr. Beechey.

2 Q. And I would like first to clarify
3 some of the terminology used with regard to ANSIs, Mr.
4 Beechey.

5 Now, I believe in your testimony you use
6 the words designated ANSIs and candidate ANSIs.

7 MR. BEECHEY: A. That's correct.

8 Q. Now, Exhibit 323 which was the ANSI
9 map, refers to 23 nominated in northern Ontario and 158
10 proposed for consideration in DLUG.

11 I will just read through the list and
12 then ask you to clarify the terms, okay.

13 Then the implementation manual -- the
14 implementation manual being Exhibit 325 for areas of
15 natural and scientific interest, if we turn to page
16 5 -- same problem, Mr. Chairman.

17 THE CHAIRMAN: Sorry, I wasn't following.
18 Where are you now?

19 MS. SWENARCHUK: Oh. It is the
20 Implementation Strategy for ANSIs, Exhibit 325.

21 And I just point out, Mr. Chairman, that
22 I did look for Mr. Mander to have all these things done
23 this morning and he just wasn't around, so....

24 Q. Now, this talks also about a
25 nominated ANSI and it defines it as one which has been

1 identified and recommended for protection by any
2 government or non-government agency or individual. All
3 ANSIs identified by the Ministry in its District Land
4 Use Guidelines are considered to be nominated ANSIs.

5 Then at page 6 of that manual we have the
6 term -- in the second paragraph on that page we have
7 the term a protected ANSI is a nominated ANSI which has
8 been afforded adequate protection.

9 Now, I believe you referred to 89 sites
10 having been designated in the area of the undertaking
11 in your evidence?

12 MR. BEECHEY: A. I believe your count is
13 correct, yes.

14 Q. Now, and as I said earlier --

15 THE CHAIRMAN: Excuse me a moment. Mrs.
16 Koven and I do not seem to have that, although Mr.
17 Martel does. So maybe we do.

18 MR. HUFF: (handed)

19 THE CHAIRMAN: This was exhibit...?

20 MS. SWENARCHUK: 325.

21 THE CHAIRMAN: Thank you. Okay, sorry.

22 Page number now?

23 MS. SWENARCHUK: Okay. There have been a
24 lot of terms used to describe ANSIs and I just wanted
25 to clarify what exactly we are talking about.

1 Q. On page 5 of the manual is the term
2 and it is the second paragraph from the bottom of the
3 page, we have the term nominated ANSI.

4 And on the next page, page 6, we have the
5 term protected ANSI. So then if we look at the
6 Ministry of the Environment Interrogatory No. 27 we see
7 that - which is now Exhibit 356 - we see that with
8 regard to nature reserves the term candidate does --
9 reading about halfway down the paragraph of the answer:

10 "The term does not mean proposed or
11 recommended. In this context candidate
12 does not automatically imply restrictions
13 on timber management."

14 I am not clear then what you meant by
15 candidate ANSIs. So could you just clarify: How many
16 ANSIs are there in the area of the undertaking, are
17 they designated, nominated, candidate, how would you
18 describe them?

19 A. I will try, if I may. The term
20 nominated ANSI, in officially designating areas of
21 natural and scientific interest we have tied the
22 process very closely to the District Land Use
23 Guidelines that were developed out of the backgrounder.

24 We adopted the specific terminology
25 nominated ANSI and perhaps we loosely used designated

1 as an interchangeable term with nominated to simply
2 indicate those areas of provincial or greater
3 significance that had been identified through the
4 process were of concern to the Ministry and were of a
5 level of concern that they had been entered or
6 designated through the District Land Use Guideline
7 process.

8 Those sites basically include that suite
9 of areas that contain features of provincial
10 significance in terms of the range of environments,
11 abiotic features that I tried to outline in my
12 presentation the other day.

13 Q. What I understand then that in fact
14 we have 89 nominated ANSIs within the terminology of
15 the implementation manual in the area of the
16 undertaking?

17 A. That's correct. I believe your count
18 is correct.

19 Q. Okay. Thank you.

20 MRS. KOVEN: Excuse me. The other day,
21 Mr. Beechey you always said there was an additional 100
22 across the province.

23 MR. BEECHEY: The exhibit being referred
24 to here is the combined northern, southern Ontario map
25 sheets we looked at the other day which indicated the

1 89 nominated areas of natural and scientific interest,
2 plus a series of proposed or candidate sites, some
3 within the area of the undertaking.

4 MRS. KOVEN: So this nominated business,
5 this means they are ANSIs?

6 MR. BEECHEY: That means that they have
7 been officially recognized by the Ministry and, as I
8 said, the process that we have wedded it with is the
9 District Land Use Guideline process or any amendments
10 to same.

11 MS. SWENARCHUK: Q. Okay. Now, when you
12 use the term candidate ANSIs, first of all, how many
13 and what sites are you talking about and; secondly,
14 what does it mean for an ANSI to be described as a
15 candidate ANSI?

16 MR. BEECHEY: A. Candidate as it was
17 used, and if I may refer to the interrogatory, that
18 seems to be what is at issue here, Interrogatory No.
19 27.

20 Q. This is with regard to nature
21 reserves, I recognize that.

22 A. Yes.

23 Q. I am simply asking you to clarify
24 your use of the term.

25 A. Okay. Our timber management

1 activities permitted in candidate nature reserves. The
2 terminology being referred to is quite past tense, I
3 believe this material was extracted, page 4 81 of the
4 evidence package, I think you will find that that
5 terminology has been extracted from the guidelines to
6 the life science check sheet.

7 And, in that context, candidate was put
8 forward in 1976 in a technical sense to simply indicate
9 those sites which, on the basis of their defined values
10 and features, were considered to be of interest or
11 importance.

12 That usage was not meant to imply that
13 they were proposed or recommended and, subsequently, it
14 was not intended to imply that all such areas labeled
15 as candidate, in that context, were automatically
16 protected.

17 It is different from the designation
18 process which is more recent terminology, the
19 nomination process.

20 Q. So, are there a series of sites then
21 in Ontario that are being - let's use a totally
22 different word - considered for ANSI status?

23 A. We looked at them the other day on
24 the exhibit and I have lost track of the number, but it
25 is the northern Ontario sheet we were looking at.

1 Q. Okay, fine, that you.

2 A. And on that particular sheet, I
3 believe actual work used is proposed.

4 Q. Now, I am glad we cleared that up.

5 THE CHAIRMAN: To everyone's
6 satisfaction.

7 MS. SWENARCHUK: Q. Okay. Would you
8 agree with me now, Mr. Beechey, that no ANSIs were
9 nominated in the District Land Use Guidelines in the
10 northern and northeastern regions?

11 MR. BEECHEY: A. That's correct.

12 Q. I want to refer you to some
13 correspondence from Mr. Wringham, Regional Recreation
14 Management Specialist, Northern Region to Mr. Huff from
15 March of 1987. (handed)

16 THE CHAIRMAN: Exhibit 358.

17 ---EXHIBIT NO. 358: Letter dated March, 1987 from
18 Mr. Wringham to Mr. Huff.

19 MS. SWENARCHUK: Q. Now, I wanted to
20 refer you to the second paragraph of this letter.

21 This was with regard to an inquiry
22 regarding certain ANSI sites, but my question is with
23 regard to this sentence:

24 "Technically none of them are ANSIs since
25 none were addressed in the DLUGS. We

1 were still doing inventories when the
2 DLUGS were being written."

3 Now, weren't the inventories to have been
4 completed by the time the land use guidelines were
5 written?

6 MR. BEECHEY: A. Yes, that was the
7 general intent. We ran into a situation of
8 inventories, chasing the planning process if you will,
9 and that is a bit of an artifact of resources available
10 at the time. The result was that the District Land Use
11 Guidelines went forward with whatever information was
12 available as of that date.

13 In the case of the two regions in
14 question, we were not comfortable with the level of
15 information or the evaluation of sites to the point
16 where any of them were put forward and nominated into
17 the respective DLUGS in northern and northeastern
18 regions.

19 Q. Okay, thank you. Now, would you
20 agree with this characterization of the value of ANSIs.

21 Areas of natural and scientific interest
22 may serve many purposes. They are places for the quiet
23 appreciation and study of nature; agreed?

24 A. They may be.

25 Q. They serve as outdoor classrooms?

1 A. They may be.

2 Q. They are areas against which the
3 effectiveness of resource management techniques
4 employed elsewhere can be evaluated?

5 A. Could be, to some extent.

6 Q. They may serve as control areas for
7 scientists engaged in furthering our knowledge of
8 natural features and processes.

9 A. They could be.

10 Q. They also help to protect the
11 elements of both geological and biological diversity?

12 A. Yes.

13 Q. And to destroy such features is to
14 reduce options available to present and future
15 generations?

16 A. They could. They could.

17 Q. And would you agree with the
18 characterization that from a nature protection
19 perspective, the significance of the ANSI program
20 dwarfs the responsibilities of provincial parks?

21 A. I am sorry.

22 Q. That from a nature protection
23 perspective, the significance of the ANSI program is
24 greater than that of the provincial parks?

25 A. I wouldn't agree necessarily with

1 that. I would give a qualified response to that.

2 The provincial parks system in northern
3 Ontario, and certainly in the area of the undertaking,
4 if we look at the distribution of parks - I don't have
5 the hard numbers before me - and the types of parks
6 that are established within the area of the
7 undertaking, we are talking about a fairly substantial
8 network of fairly rigorously protected sites:

9 Five wilderness parks, one surrogate
10 wilderness park in the form of Pukaskwa in site region
11 3E. I don't know offhand how many site districts, but
12 probably in the order or 35 to 40. Most of which, if
13 not all, have a substantial natural environment park in
14 them, most of which have a portion or segment of a
15 waterway park in them, along with some other satellite
16 parks; namely, recreation parks which can have some
17 important values.

18 Together that park system I think -- I
19 know represents a very important spectrum of the
20 geological and ecological diversity in the area of the
21 undertaking.

22 Q. Would you agree then that the ANSI
23 system complements --

24 A. It was intended to complement, very
25 much so and, in fact, it wasn't intended to duplicate

1 or replicate, but to add into the system those things
2 that were not picked up in that provincial parks
3 system.

4 Q. I think you said it was intended to
5 complement. In your view, does it in its present state
6 complement the parks?

7 A. Yes, very much so.

8 Q. Fine. Now, you referred earlier in
9 your evidence to the history of the development of
10 ANSIs. I believe that the policy on ANSIs was issued
11 in 1983, but the implementation strategy manual did not
12 appear until 1987.

13 Can you tell us why there was that
14 four-year delay?

15 A. The policy was issued in '83, was
16 endorsed in connection with the issuing of the
17 backgrounder.

18 I guess our initial feeling was that the
19 authority for that, in the first instance, provided the
20 basis to at least designate the sites, afford them some
21 nominal recognition and certainly afford them some
22 degree of protection through various initiatives; land
23 use planning, timber management that were ongoing.

24 During that time we were also giving
25 consideration to the need for a little bit more detail

1 in the form of guidelines to assist field managers on
2 getting on with the protection aspect of the program.

3 So that in fact the period between '83
4 and '87 was a period partly taken up by a lot of
5 internal discussion and review of early drafts, ideas
6 and concepts that gave rise to the '87 document. So
7 you are seeing with the four-year lag in part, time
8 that was spent -- some time that was spent in
9 developing it.

10 I should add as well that some of the lag
11 is due in part to program priorities we have noted
12 earlier, that the resources were chasing the planning
13 process, if you will, through some regions.

14 So that from a program point of view, we
15 did see importance in maintaining some priority on
16 identifying or getting on with identifying some of the
17 sites in northern and northeastern regions.

18 So it was a combination of getting on
19 with that work, while also at a main office level
20 giving considering to the need for guidelines and what
21 form that they might take.

22 Q. All right. Can you turn to page 11
23 of the manual, please, Exhibit 325. And we see here a
24 definition of statement of interest for ANSIs:

25 "The statement of interest provides a

general description of a natural and scientific area and recommends a short-term management strategy for the protection and wise use of the areas resources."

Could I paraphrase that to say that a statement of interest was intended to protect the area prior to the development of a management plan which we will come to in a moment?

10 A. I think that's how I characterized it
11 in my presentation.

Q. Now, how many ANSIs within the area of the undertaking have statements of interest prepared?

A. I don't have an actual account. I do know in the Algonquin region I believe probably in the order of nine to a dozen sites have had statements of interest prepared. I should say too that there is a bit of some ongoing developments here and that statements of interest are continuing to evolve a little bit.

We do have some for Algonquin region that do meet this general description. Outside of Algonquin I can't give you a hard number on the ones that do.

Q. Well, would it be most of the sites

1 or a few of the sites?

2 A. I suspect --

3 Q. Perhaps you could obtain that
4 information for us and give it to us another time?

5 A. Sure. I could mention in fact that
6 we are doing a bit of a program audit across the north.

7 MS. SWENARCHUK: How soon - if I can
8 just ask Mr. Freidin - how long would it take to
9 collect that information?

10 MR. FREIDIN: Mr. Beechey.

11 MR. BEECHEY: Certainly within the time
12 frame -- probably not within the week. We can do what
13 we can, we will try for within the week.

14 MS. SWENARCHUK: Q. Well, my next
15 question was going to be with regard to management
16 plans. On page 12 we have the description of
17 management plan:

18 "Provides a detailed description of a
19 natural and scientific area and
20 prescribes a long-term management
21 strategy for the protection and wise use
22 of the areas natural resources."

23 And I believe from Mr. Mosquin's
24 interrogatory -- sorry, from your own evidence you have
25 said that none of the ANSIs to date have management

1 plans.

2 MR. BEECHEY: A. Yes, I believe that's
3 right.

4 Q. And further that:

5 "On a need basis, the Ministry will
6 develop plans for specific sites."

7 And could you tell us what constitutes
8 need?

9 A. I should mention here I think that we
10 have been talking certainly about some of the timber
11 management planning that's ongoing, and I think even
12 within this document we have tied our process to the
13 timber management planning process vis-a-vis the
14 achievement of some of our protection objectives of
15 areas of natural and scientific interest on Crown land.

16 We have heard some evidence I believe
17 from Mr. Kennedy and briefly from Mr. Pyzer earlier
18 that in fact some of these areas certainly are taken
19 into consideration in the absence of a management plan
20 through timber management planning. And I can think
21 quickly of a couple of examples at least; the White Mud
22 area in Sioux Lookout District which just comes into
23 the northern part of the area of the undertaking, and
24 the Trowartha Fens which is an area in Atikokan
25 District located some 100-kilometres west of here, an

1 extensive wetland complex.

2 I do know that those two have just been
3 dealt with as outright exclusions within forest
4 management plans. So from our point of view, they have
5 achieved probably a fairly high level of protection,
6 that's in the absence of a management plan.

7 Q. Are you suggesting that receiving
8 area of concern treatment in a timber management plan
9 is a substitute for the development of a management
10 plan for the site itself?

11 A. It may or it may not be. Again, it
12 would depend on the local situation, the need, the
13 threat. It could well be dealt with on an interim or a
14 permanent basis through that vehicle.

15 Q. Can we return to my initial question
16 then. What constitutes need, in your view, to develop
17 a management plan?

18 A. I suppose we should put this document
19 into context. If I may just back up a little bit, we
20 are talking about some 26 ANSIs currently nominated, if
21 you will, in the area of the undertaking -- or 89, I
22 should say, in the area of the undertaking.

23 By subtraction that leaves about 450
24 areas that have been nominated into DLUGS in southern
25 Ontario outside of the area of the undertaking.

1 From a program point of view, given the
2 threats, the pressures on those sites: Urbanization,
3 land conversion, drainage, other impacts like that, the
4 provincial priority is for work in southern Ontario
5 and we have given some emphasis to getting on with the
6 development of some plans and some of those southern
7 Ontario sites.

8 In northern Ontario, we don't see the
9 impacts being as severe in a relative sense as those in
10 the south and hence I think, at least in some cases,
11 the area of concern planning framework can provide for
12 a level of protection that will achieve a good portion
13 of our objective on those sites.

14 Q. Mr. Beechey, if I understood your
15 information correctly in direct cross-examination you
16 indicated that some of these areas might have been
17 parks, initially but were not because of land use
18 conflicts; is that not correct?

19 A. Some may have been.

20 Q. Isn't it reasonable to assume that
21 there could pressures of various types on those sites
22 still that could lead to destruction of the areas?

23 A. Yes, I suppose.

24 Q. Now, are you able to assure the Board
25 on the basis of your own person knowledge that the

1 sites within the area of the undertaking still all
2 retain the characteristics that led to their being
3 nominated, or considered, or proposed?

4 A. I don't believe site-by-site
5 information to verify that. But I am fairly confident
6 that the 89 designated sites have maintained their
7 natural condition.

8 Q. I wonder if that could be verified?
9 Are you aware of any that do not at this time --

10 A. I believe we responded to an
11 interrogatory on this and I can't think of the number,
12 but I believe we replied that we weren't aware of any
13 that had been degraded, if you will, as a result of
14 timber management activities. .

15 Q. All right. Do you have any personal
16 experience with the timber management planning process
17 and the mechanisms for protecting ANSIs in that
18 process? Have you been involved in any of these plans?

19 A. No, I haven't.

20 Q. You mentioned a couple that you think
21 have been subject to area of concern treatment up to
22 now. Do you have any knowledge about timber management
23 activity now occurring within the area of the
24 undertaking in any ANSI areas?

25 A. No, I am not aware of any.

1 Q. You are not aware of any. Now, I
2 understand that in 1987 there was a commitment by the
3 Minister of \$500,000 a year for the ANSI program; is
4 that correct?

5 A. There was a commitment by the
6 Minister in May of 1987 and this was in connection with
7 the release of the implementation strategy that we are
8 referring to now for \$2.5 million of special funding to
9 initiate work on areas of natural and scientific
10 interest or continue work, I should say.

11 Q. Well, would you disagree with me if I
12 read you a quote from Mr. Kerri's speech which we can
13 have entered as an exhibit saying:

14 "MNRI is also putting money into that
15 effort, \$500,000 a year over five years
16 for a total of \$2.5-million."

17 A. I agree.

18 Q. So that you would expect an annual
19 budget of a half a million dollars then?

20 A. That's the way it had been calibrated
21 roughly.

22 Q. And is it correct that a shortfall in
23 that funding occurred this year?

24 A. We did experience some constraint.

25 Q. Would you like to quantify that?

1 THE CHAIRMAN: That's a diplomatic way of
2 putting it, I suppose.

3 MS. SWENARCHUK: Q. Would you like to
4 quantify that constraint?

5 MR. BEECHEY: A. Well, maybe I can just
6 back up and indicating the funding formula, it was
7 roughly \$550,000 a year. 87-88 it was actually
8 \$400,000 and it was on a graduated scale so that in the
9 fifth year it was \$600,000.00.

10 So that by \$50,000 increments over five
11 years it went from \$400,000 to \$600,000 for a total of
12 2.5-million.

13 The first installment or the first year's
14 funding was used in conducting or finishing or working
15 on some of the inventories that we have been talking
16 about. A good portion of it was used on firming up
17 boundaries, particular on sites in southern Ontario
18 that were eligible for landowner tax rebates under the
19 Conservation Land Act.

20 Q. That came out of this budget?

21 A. Some of that came out of this budget.
22 And, additionally, the first year's funding, some of
23 the funding went toward developing some statements of
24 interest such as the ones in Algonquin region to which
25 I referred. The funding for year two, 88-89 is

1 \$450,000.

2 Q. Rather than the 600,000 that you
3 expected?

4 A. This is the second year now of five,
5 it was 450.

6 Q. Okay.

7 A. And that was not expended. Now, I
8 will say in addition to that though, on top of the
9 special funding that had been earmarked, there was a
10 level of program activity in southern Ontario mainly,
11 in eastern region, that did overlap marginally with the
12 area of the undertaking.

13 There was some program activity funded
14 outside of the special funding in the form of
15 complement staff work that was going on in some of
16 these areas and in terms of resources that had been put
17 in additionally at a region or a district level.
18 That's to the credit, I guess, of the field
19 organization that they were prepared to put in some of
20 that extra funding.

21 Q. When you say the 450,000 was not
22 expended, did you mean that your program did not
23 receive any of that?

24 A. There was some -- I don't know a hard
25 figure. I believe there was some \$200,000. And I

1 should add that we are not through that fiscal year yet
2 either, of the second year.

3 Q. You are hopeful, are you?

4 A. We are not through -- so it might be
5 early to count.

6 Q. Do you not have a budget for this
7 fiscal year? And do I take it that the budget, where
8 you expected a figure of 450,000 now reflects 200,000?

9 A. Well, that was special funding that
10 was channeled through.

11 Q. Right, for that special funding?

12 A. That's right.

13 Q. Now, given the very large area of
14 northern Ontario, the number of ANSIs that you have
15 identified seems rather small. There are considerably
16 more of course in southern Ontario with a much smaller
17 geography.

18 In your view, do the ANSIs identified
19 adequately protect northern Ontario's natural
20 diversity?

21 A. I would go back to my earlier
22 comments that in the first instance ANSIs are intended
23 to complement what we are trying to protect in
24 provincial parks.

25 In that sense, the provincial park system

1 is far more complete in terms of representing the
2 elements of natural diversity, if you will, that we are
3 concerned about and that in large part is why we see
4 fewer areas of natural and scientific interest on the
5 map.

6 By comparison, in southern Ontario where
7 ANSIs are concentrated, the provincial park system in
8 aggregate acreage is relatively small and the parks are
9 distributed in a manner that they do not pick up a lot
10 of the desired representation.

11 I guess I am fairly confident that the
12 combination of park system along with the areas that
13 have been designated to date and some future
14 designations that will fulfill what we are attempting
15 to protect as defined within the framework that I
16 outlined the other day, will provide a nice
17 cross-section or spectrum of the range of environment,
18 natural environments and features that we have set out
19 to represent and protect in the Province of Ontario.

20 Q. So you are satisfied with the
21 progress made on implementation of the ANSI program?

22 A. Oh, I am sure there is always room
23 for improvement. If you ask any of the panelists here
24 today in terms of whether in fact some additional
25 resources could help, I am sure we would all jump and

1 say, by all means. In every program area, we would
2 like to have some additional resources and I would be
3 untrue in suggesting otherwise.

4 With the resources that we have got, I
5 think real progress has been made in terms of the new
6 parks that have come on stream. I can't point to any
7 jurisdiction on the continent that has doubled its park
8 system in a five-year time frame in terms of the
9 numbers of sites, the aggregate acreage of those sites
10 and the range of features that they represent.

11 Q. One last area. In Panel 6 my
12 colleague Mr. Castrilli asked about wetlands and was
13 told that someone on Panel 7 could talk about wetlands.
14 And I would like to ask you some questions.

15 You referred in your testimony to the
16 Conservation Land Act of this year and this is...

17 THE CHAIRMAN: Is this the appropriate
18 witness to ask those questions of?

19 MS. SWENARCHUK: This is the witness that
20 referred to the Conservation Land Act which is involved
21 with the wetland question.

22 MR. BEECHEY: I might clarify that the
23 Conservation Land Act, our branch has been charged with
24 administering the Conservation Tax Reduction Program
25 that that Act will introduce shortly. That it is

1 recognized that from a technical point of view that
2 there are at least two program areas in the Ministry,
3 the Parks Branch that I represent and Wildlife Branch
4 that have specific responsibilities with regard to
5 identification and designation of sites that fall under
6 that legislation; namely, areas of natural and
7 scientific interest in our shop and wetlands in
8 Wildlife Branch.

9 MS. SWENARCHUK: Q. Are you saying you
10 don't consider yourself qualified to answer questions
11 regarding wetlands in northern Ontario? Should I be
12 directing these questions to somebody else; is that
13 what you are saying?

14 MR. BEECHEY: A. Well, depending on the
15 nature of the questions, I suppose, I am suggesting
16 that, yes, perhaps they should be going to the Wildlife
17 people. I am prepared to respond, to the extent that I
18 can.

19 Q. Well, let's try it then. If we look
20 at the Ministry of the Environment Question No. 6,
21 Interrogatory No. 6 which is repeated on the package
22 that I handed out, actually Exhibit 271, we see that
23 there is no classification system for wetlands in most
24 of the area of the undertaking and the Ministry
25 explains why that is.

1 "In its consideration the classification
2 system used in southern Ontario is not
3 appropriate for northern Ontario."

4 Now, would you agree then that northern
5 landowners are not in a position to receive a tax
6 rebate for preservation of wetlands given that there
7 isn't a classification system in place?

8 A. Yes.

9 Q. And that this clearly then acts as
10 a -- say, does not provide the incentive that exists in
11 southern Ontario for private landowners to protect
12 wetland areas?

13 A. It does. I suppose I would point out
14 though that in northern Ontario the relative portion or
15 mix of wetlands under private ownership versus Crown is
16 very much different.

17 Q. I agree.

18 A. By far, the majority of important
19 sites -- well, I should -- yes, with probably the
20 majority of sites falling on Crown land.

21 Q. Agreed. Are you aware if the
22 Ministry has a schedule for development of a
23 classification system for northern Ontario wetlands?

24 A. I am not personally aware of any
25 scheduling per se, no.

1 MS. SWENARCHUK: I am wondering if
2 somebody from the Ministry would provide us with an
3 answer to that question?

4 MR. FREIDIN: My information is there is
5 no schedule at the present time. I'm sorry, I thought
6 it had been dealt with in an interrogatory.

7 MS. SWENARCHUK: Only to this extent I
8 think.

9 Those are my questions, Mr. Chairman.
10 Thank you.

11 THE CHAIRMAN: Thank you.

12 Well, we did better than I think we
13 otherwise would have done had you just continued to the
14 regular time without even considering coming back
15 tomorrow. Thank you, Ms. Swenarchuk.

16 I guess at this point it time we might as
17 well adjourn for the day and commence tomorrow morning
18 with Mr. Williams.

19 I take it Mr. Williams is unavailable to
20 commence anything at this point? He is not in the room
21 is he?

22 MR. HORWATH: No. He was led to believe
23 that they would be finished at the end of day.

24 THE CHAIRMAN: No, I am not suggesting
25 that he should be here, if he didn't want to hear this

1 evidence.

2 MS. BLASTORAH: He is not available.

3 THE CHAIRMAN: Okay. I think we will
4 commence tomorrow morning at 9:00 a.m. again and try
5 and continue on to see if Mr. Williams can finish off
-6 tomorrow.

7 Thank you, ladies and gentlemen. We will
8 adjourn until 9:00 a.m. tomorrow.

9 ---Whereupon the hearing adjourned at 4:20 p.m., to be
10 reconvened on Wednesday, November 9th, 1988,
commencing at 9:00 a.m.

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